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ABSTRACT

The purpose of this curriculum unit is to give students a better understanding of the history of the relationship between women and constitutional issues. The study of women and the United States Constitution is an important reminder of the complexity of a democracy. In the United States, even today, the ideology of freedom and justice is often blocked by traditionally held sexist and racist ideas that limit women's full participation as citizens. The content and activities in this unit can be integrated into a chronological study of U.S. history or they can be used exclusively to promote a more comprehensive understanding of women and the Constitution. In addition to narrative sections providing historic overviews of issues most important to women, the unit contains a chronology of women's legal and political history (1769-1987); a list defining the key concepts that have been part of the ongoing debate about rights; biographical sketches on the lives of the women mentioned in the unit; and a resource list of books for teachers and students interested in doing further research on the individuals and events covered in the unit. Excerpts from related newspaper stories, legislation, etc., are also included. (LH)

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ED 394 882

WOMEN and the CONSTITUTION

Curriculum Unit

by Molly Murphy MacGregor
National Women's History Project

SO 026 203

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WOMEN
and the
CONSTITUTION

Curriculum Unit

by Molly Murphy MacGregor

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INTRODUCTION

The study of women and the United States Constitution is an important reminder of the complexity of a democracy. In the United States, even today, the ideology of freedom and justice is often blocked by traditionally held sexist and racist ideas which limit women's full participation as citizens. It is hoped that this unit will encourage students' understanding of our country's Constitution, as well as an appreciation for the people who have worked so tirelessly for the democratic principles it embodies.

To serve the needs of a constantly changing society, the Constitution has been amended 26 times. It remains the cornerstone of American democracy with an adaptability that makes it a living document. In this century, amendments to the Constitution, as well as new legislation, have secured some protections for women. This expansion of women's legal rights is a tribute to the work of hundreds of thousands of women and men who have protested, petitioned and lobbied during the 200 years since the Constitution was first written. Even so, the Constitution still doesn't guarantee equal protection for women; the work of securing full rights for women continues today.

The remarkable history of how women and men have worked "to form a more perfect union" is exciting and complex. The purpose of this unit is to give students a better understanding of this historic process by including an historic overview of the relationship between women and constitutional issues.

My thanks to the following historians for their research and their analysis: Linda Kerber, Marybeth Norton, Sally Roesch Wagner, and Joan Hoff Wilson. A special thank-you to Linda Kerber for allowing her article, *Ourselves and Our Daughters Forever: Women and the Constitution, 1787-1876,* to be reprinted in its entirety, and to Sally Roesch Wagner for her contributions as a writer and reviewer, and for her contribution of rare documents and previously unpublished resources.

As always, I would like to thank my colleagues at the National Women's History Project for their support, with special thanks to Bonnie Eisenberg for her extensive editing, as well as formatting of the unit, to Mary Ruthsdotter for her editorial comments, and to Maria Cuevas and Lori Rodrigues for thoughtful proofreading.

TO THE TEACHER

The content and activities in this unit can be integrated into a chronological study of U.S. History, or they can be used exclusively to promote a more comprehensive understanding of women and the Constitution.

The chronology presents a thumbnail sketch of women's legal and political history with questions to encourage students' use of the information included.

The list of concepts is included to ensure students' understanding of the concepts that have been a part of the ongoing debate about rights guaranteed by the Constitution. It can be used as a springboard for discussion or writing, as well as for a pre- and post-test activity. It might be important to review the list with students before they begin reading the unit.

The two narrative sections of this unit provide historic overviews which begin in colonial times and conclude with the centennial of the Constitution. "New Beginnings, New Problems" (page 11) provides information about events, personalities and attitudes of the time. The documents included underscore the issues most important to women during colonial times. The historic account helps illuminate colonial times from the perspective of an African American slave woman affecting change. The reprint of *Ourselves and Our Daughters Forever: Women and the Constituion, 1787-1876* (page 18) is a retrospective of the first 100 years of issues related to women and the Constitution.

Each section concludes with discussion questions to be used with information from that section.

Women played an important role in the grass roots movements which led to the 13th, 14th, 15th, 18th and 19th Amendments. A brief narrative section introduces each of these amendments, followed by discussion questions and activities. To provide a better understanding of the issues and to give the participants' personal experience of the process, documents relating to the development of the amendments are sometimes also included.

A brief overview of women and the Supreme Court precedes examples of Court decisions that have defined women's legal and political rights.

The biographical sketches give some background on the lives of the women mentioned in the unit and information about the times in which they lived.

The resource list offers additional resources for teachers and students interested in doing further research on the individuals and events covered in this unit. It is organized into four sections: "Women in Colonial America," "Women and the Constitution," "Biographies" and "General." "Women in Colonial America" includes resource materials pertaining to early colonial times to the late 18th Century. "Women and the Constitution" includes resources which discuss the development and expansion of women's rights under the Constitution. The "Biographies" section includes reference books, collective biographies and individual biographies of many of the women discussed in the unit as well as others who have worked diligently for the expansion of human rights under the Constitution. The "General" section includes materials that give a comprehensive overview of women in United States history.

WOMEN AND THE CONSTITUTION
CHRONOLOGY OF EVENTS

Introduction

The men who wrote the Constitution in 1787 and those in the state legislatures who voted to ratify it in 1789, did not intend to protect the rights of women. The prevailing attitude of the time was that women were the responsibility of their husbands and fathers. They were considered dependent by their nature, and this dependence was reinforced by common law which stated that, when married, man and woman became one. The husband became the head of the family and represented his wife in all legal and social matters. The wife had no legal existence.

Although a few states adopted limited married women's property laws, women's rights were largely ignored for almost 50 years after the Constitution was ratified. Women began an active campaign for full citizenship in the 1840's which intensified after the Civil War. The initial response from the Supreme Court was denial of their professional, political, and civil rights. By the turn of the century, woman's suffrage had been won in some states, primarily for school and municipal elections, and women were mounting well-organized campaigns for temperance and for a constitutional amendment for woman's suffrage. It was during this time that protective legislation for women was enacted at the state and federal level. With the passage of the Nineteenth Amendment in 1920, women gained the right to vote, but continued to face discrimination in other areas of American life.

In the interpretation of the Constitution the most dramatic changes for women have come since the early 1960s. Many of these changes were not the result of court rulings. Rather, they were achieved through a series of congressional acts, executive orders, and guidelines issued by government agencies created to enforce legislation. During the last two decades, Congress has passed laws to help ensure that the civil rights of women are not violated in the workplace, in educational institutions, or in their roles as wives and mothers. To remedy the fundamental and discriminatory treatment of women under the law, Congress passed the Equal Rights Amendment in 1972. This amendment fell short of ratification by three states, and has not yet become part of the Constitution.

In the United States today, federal and state laws continue to exist which discriminate against women. Additionally, laws which have been passed to guarantee affirmative action, reproductive rights, and other civil rights are being challenged in the courts. In 1987, the Equal Rights Amendment was reintroduced into Congress to guarantee that women would be given equal protection under local, state and federal laws. Supporters say they will work for this amendment until women are fully included in the Constitution.

The following Chronology of Women and the Constitution is included to give an overview of the changes in women's political and legal rights under the Constitution.

Assignments

1. List examples from the chronology of Supreme Court rulings that reverse previous Supreme Court decisions. Why would this happen?

2. What court decisions listed in the chronology have been the most beneficial to men as well as women? Explain.

3. What are the most important legal gains made by women since you were born? Explain.

4. Research a Supreme Court decision made the year you were born. What are the facts of the case? What was the decision? Has the precedent established by the decision affected men and women differently? Why or why not?

WOMEN AND THE CONSTITUTION CHRONOLOGY OF EVENTS

1769 The Blackstone Commentaries, defining English common law, on which laws in the American colonies were based, declare: "By marriage, the husband and wife are one person in the law...the very being and legal existence of the woman is suspended during the marriage, or at least is incorporated into that of her husband under whose wing [and] protection she performs everything."

1777-1807 All states pass laws which take away women's right to vote.

1789 United States Constitution ratified. The terms "persons," "people," and "electors" are used, allowing the interpretation of those beings to include men and women.

1832 First Female Anti-Slavery Society is organized in Salem, Mass.

1837 First national convention of Female Anti-Slavery Societies is held. Societies are now active in every northern state.

1848 At Seneca Falls, New York, 300 women and men sign the Declaration of Sentiments, a plea for the end of discrimination against women in all spheres of society.

1863 The National Woman's Loyal League forms and grows to 5,000 members who gather nearly 400,000 signatures on a petition for the Thirteenth Amendment.

1866 Thirteenth Amendment to the Constitution is ratified, outlawing slavery in the United States.

1868 Fourteenth Amendment to the Constitution ratified. This is the first time "male" is expressly used to describe "citizens" in the Constitution.

1869 Wyoming Territory establishes equality of voting rights for men and women. Wyoming becomes a state in 1890.

1873 Bradwell v. Illinois - U. S. Supreme Court rules that a state has the right to exclude a married woman (Myra Colby Bradwell) from practicing law. (see Court Cases p.47)

1875 Minor v. Happersett - U. S. Supreme Court declares that despite the privileges and immunities clause, a state can prohibit a woman from voting. The court declares women as "persons," but holds that they constitute a "special category of [non-voting] citizens."

1876 The Women's Christian Temperance Union is organized and spearheads the temperance crusade which culminates in passage of the Eighteenth Amendment, in 1917.

1876 The National Woman's Suffrage Association presents a "Women's Declaration of Rights" at the U.S. centennial celebration.

1879 Through special Congressional legislation, Belva Lockwood becomes first woman admitted to try a case before the Supreme Court.

1896 Plessy v. Ferguson - The U. S. Supreme Court allows a state law requiring trains to have separate sections for Black and white people to stand. The Court says that, "separate but equal" facilities are constitutional.

1908 Muller v. Oregon - U.S. Supreme Court holds protective legislation for women to be constitutional (laundresses to work only 10 hours per day because of their biological and gender-based roles).

1916 Jeannette Rankin, Republican from Montana, becomes the first woman elected to national office. On April 7, 1917, she casts her first vote in the House of Representatives--against the entry of the United States into World War I.

1916 Margaret Sanger tests the validity of New York's anti-contraception law by establishing a clinic in Brooklyn. She is arrested. The most well-known of birth control advocates, she is one of hundreds arrested over a 40-year period for working to establish women's right to control their own bodies.

1917 Militant suffragists were arrested in Washington, D.C. for blocking the sidewalk in a massive demonstration in support of the woman's suffrage amendment to the Constitution. More that 200 women were arrested in the demonstration. Other women set up a "silent vigil" at the White House gates; it lasted for 18 months.

1920 Nineteenth Amendment to the U.S. Constitution ratified. It declares: "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

1920 The League of Women Voters is formed to help educate women about their newly granted political responsibility.

1921 Congress passes Sheppard-Towner Act which provides federal funds to states for maternal and infant health programs.

1923 National Women's Party proposes Constitutional amendment: "Men and women shall have equal rights throughout the United States and in every place subject to its jurisdiction. Congress shall have power to enforce this article by appropriate legislation."

1924 Radice v. New York - U. S. Supreme Court upholds a law prohibiting women from working certain jobs between 10:00 p.m. and 6:00 a.m..

1924 American Indian suffrage is granted by act of Congress.

1933 Frances Perkins appointed Secretary of Labor, first woman to hold a Cabinet post.

1938 Fair Labor Standards Act establishes minimum wage without regard to sex.

1947 Fay v. New York - U. S. Supreme Court implies women do not have the constitutional right to serve on juries because it is not "customary."

1954 Brown v. Board of Education of Topeka, Kansas - Separate schools for children of different races can never be really equal, and are therefore illegal. This ruling overturned the Plessy v. Ferguson decision of 1896.

1957 Roth v. United States - U. S. Supreme Court protects pornography under First Amendment.

1961 By executive order, President Kennedy establishes the President's Commission on the Status of Women.

1963 Equal Pay Act forbids employers from discrimination in wages on the basis of race, color, religion, sex, or national origin for those engaged in the same work.

1964 Title VII of Civil Rights Act prohibits employment discrimination on basis of race, color, religion, sex, or national origin.

1965 Griswold v. Connecticut - U.S. Supreme Court strikes down state law forbidding use of contraceptives by married persons. (1972 Eisenstadt v. Baird, the Court rules the same for unmarried persons.)

1966 National Organization for Women organized to work for civil rights for all women.

1971 Phillips v. Martin Marietta Corporation - U.S. Supreme Court outlaws the practice of private employers refusing to hire women with pre-school children.

1971 Reed v. Reed - U.S. Supreme Court holds unconstitutional a state law (Idaho) establishing automatic preference for males as administrators of wills. This is the first time the court strikes down a law treating men and women differently. Court finally declares women as "persons," but uses a "reasonableness" test rather than making sex a "suspect classification," analogous to race, under the Fourteenth Amendment.

1971 The National Women's Political Caucus is founded, a non-partisan coalition of women dedicated to increasing the number of men and women who support women's equality in political positions.

1972 Title IX of Educational Amendments makes it illegal to discriminate on the basis of sex in all public undergraduate institutions and in most other schools receiving federal monies.

1972 Congress passes the Equal Rights Amendment and sends it to the states for ratification. It declares: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

1973 In the Pittsburgh Press case, the Supreme Court bans sex-segregated "help wanted" advertising as a violation of Title VII of the Civil Rights Act of 1964 as amended.

1973 Frontiero v. Richardson - U. S. Supreme Court strikes down armed service regulations that deny women the same dependents' benefits as men. (see Court Cases p.49)

1973 Roe v. Wade and Doe v. Bolton - U. S. Supreme Court declares the Constitution protects women's right to terminate an early pregnancy, thus making abortion legal in the United States.

1974 Cleveland Board of Education v. LaFleur - U. S. Supreme Court rules law requiring mandatory unpaid maternity leaves is in violation of due process of pregnant women.

1974 Geduldig v. Aiello - U. S. Supreme Court upholds California disability insurance program denying benefits for pregnancy related disabilities.

1974 Housing discrimination on the basis of sex and credit discrimination against women are outlawed by Congress.

1976 General Electric v. Gilbert - U. S. Supreme Court holds that denial of medical disability benefits by private employers to workers absent for maternity-related reasons is not a violation of federal law.

1976 Craig v. Boren - U. S. Supreme Court declares unconstitutional a state law permitting 18 to 20-year-old females to drink beer while denying the right to men of the same age. Court establishes new set of standards for reviewing laws that treat men and women differently--an "intermediate" test stricter than the "reasonableness" test for constitutionality in sex discrimination cases.

1976 Planned Parenthood v. Danforth - U. S. Supreme Court continues to deny state challenges to first trimester abortions as proclaimed in Roe vs. Wade.

1977 Beal v. Ann Doe - U.S. Supreme Court rules state cannot prohibit abortions for low-income recipients of medical assistance programs, but that it is not a violation of federal law for states to deny Medicaid benefits for "unnecessary" abortions.

1978 Los Angeles Dept. of Water and Power v. Manhart - U.S. Supreme Court holds in violation of federal law deductions by employer of larger amounts from wages of female employees than from male employees for pension fund.

1978 University of California v. Bakke - U.S. Supreme Court rules in favor of a white male denied admission to medical school. Applies test to affirmative action programs.

1978 The Pregnancy Discrimination Act, an amendment to Title VII of the 1964 Civil Rights Act, states that women affected by pregnancy or childbirth "shall be treated the same for all employment-related purposes...as other persons not so affected but similar in their ability or inability to work." This law essentially nullifies the General Electric v. Gilbert decision of 1976.

1979 The period for ratification of the Equal Rights Amendment extended to June 30, 1982.

1981 Rostkear v. Goldberg - U.S. Supreme Court upholds all-male military registration.

1982 Of the 38 states required to ratify Equal Rights Amendment, only 35 have done so by end of extended time for such action.

1984 Congress acts to facilitate state enforcement of child-support payments.

1984 Roberts v. United States Jaycees - U.S. Supreme Court rules Jaycees in Minnesota must admit women in compliance with state anti-discrimination laws.

1984 Hishon v. King and Spaulding - U.S. Supreme Court rules law firms may not discriminate on the basis of sex in promoting lawyers to partnerships.

1984 Grove City College v. Bell - U. S. Supreme Court limits the application of Title IX by deciding that individual units of an educational institution can discriminate and not endanger the federal aid received by other units of that institution.

1984 Geraldine Ferraro becomes the first woman in United States history to be nominee of a major political party (the Democratic Party) for Vice President of the United States.

1987 Garland v. California Federal Savings and Loan Association - U. S. Supreme Court upholds California law requiring employers to grant maternity leave to pregnant workers and reinstate them when they return.

1987 The Equal Rights Amendment is reintroduced in both houses of Congress.

1987 Johnson v. Santa Clara County - U.S. Supreme Court rules that it is permissible to take sex and race into account in employment decisions even when there is no proven history of discrimination but when evidence of a manifest imbalance exists in the number of women or minorities holding the positions in question.

WOMEN AND THE CONSTITUTION
KEY CONCEPTS

Knowledge of these historical concepts is important in understanding the debate about the inclusion or exclusion of women in the Constitution.

abolitionist: one who favors the abolition of slavery. Early women's rights advocates worked courageously for the end of slavery, building a strong coalition between anti-slavery and pro-women's rights activists.

affirmative action: laws or procedures enacted to safeguard the rights of citizens whose rights or opportunities previously have been denied or limited by unfair practices. (see Johnson v. Santa Clara County p. 50)

civil disobedience: nonviolent opposition to a law by refusal to comply with it, on the grounds of conscience. The National Woman's Suffrage Association used such tactics to call attention to the fact that the rights of citizenship were being denied to women by the way the Constitution was being interpreted.

civil rights: those rights guaranteed to the individual by the 13th, 14th, 15th, and 19th Amendments to the Constitution and by certain acts of Congress.

due process of law: a course of legal proceedings carried out regularly and in accordance with established rules and principles

egalitarian: belief in full political and social equality for all people.

enfranchise: to admit to citizenship by granting the right to vote. Women worked for 72 years, from the time of the Seneca Falls Convention, in 1848, until the passage of the Nineteenth Amendment, in 1920, to obtain the right to vote.

equal protection under the law: legal rights and protection extends equally to all citizens, guaranteed by the Fourteenth Amendment which reads, *"no state shall...deny to any person within its jurisdiction the equal protection of the laws."* Women's rights activists tried to use this guarantee to ensure their rights of citizenship, but until the passage of the Nineteenth Amendment, the Court held a strict interpretation of the Constitution which did not include equal protection for women.

feminism: the theory of the political, economic and social equality of the sexes; organized activity on behalf of women's rights and interests.

franchise: the right to vote. Women were denied the vote, and the right to political representation, until the passage of the Nineteenth Amendment.

no taxation without representation: used as an early rallying cry to fight British rule. Women's rights activists echoed this same refrain until the passage of the 19th Amendment in 1920.

patriarchy: a society in which the father is absolute ruler of the family; wives and children are legal dependents. This ideology was followed by the Founding Fathers in writing the Constitution and adhered to by the Supreme Court until the late 1960's.

precedent: a decision that may be used to justify a similar act later. Legal precedent is used to determine the constitutionality of laws.

protective legislation: laws enacted to safeguard the needs of a group that has special needs or liabilities.

Quakers: a religious group that allowed both women and men to participate equally in church activities. Many of the early leaders in the abolitionist and women's rights movements (Lucretia Mott, Angelina and Sarah Grimke, Susan Anthony, Alice Paul) were Quakers whose families had encouraged their discussion of social issues throughout their lives.

racism: a belief that race is the primary determination of human traits; belief in the superiority of one race over another.

republic: a state or government in which the power is exercised by representatives elected by the citizens. Early women's rights activists argued that, because women in the United States were denied the vote, it was not a republic, but rather an oligarchy controlled by men.

sexism: a belief that sex is the primary determination of human traits; belief in the superiority of one sex over the other.

sovereignty: supreme and independent political authority

sphere: place or range of action. The proper sphere of men was defined as being in government and commerce; the proper sphere of women was defined as being within the family. This idea of sphere was used by the Supreme Court to deny women the right to vote, as well as to deny them the right to practice law (see Bradwell v. Illinois, p. 47).

SETTING THE STAGE: The Status of Women in the New Nation

Introduction

America's revolutionary era was a time of dramatic and exciting changes for colonists who had called themselves Patriots. For those who had called themselves Loyalists and remained faithful to the King of England, it was a time of bitter disappointment and defeat. Nevertheless, by the end of this period, all colonists had become known as Americans. The spirit of independence which had been growing in the colonies since the beginning of settlement began to take on special importance for both men and women. New political ideas emerged about who should have power and how it should be controlled. After the Revolutionary War with England, the details of a new democratic and representative government needed to be agreed upon. This was a time of tremendous conflict between individuals and groups with many opposing the new ideas for the government and debating the merits of the proposed Constitution. The Constitution, which was ratified in 1889, promised a new, democratic government. Although this promise of political representation was not realized by colonial women, Black slaves or American Indians, the ideas which had brought on the Revolution set the tone for all of the political reforms that followed.

The Revolutionary War

When the Continental Congress voted to declare independence from England in 1776, they had the support of only a third of the people. Historians estimate that a third of the population wanted to remain loyal to England and the rest of the colonists just wanted to be left alone. Once the war began and armies and militias occupied the countryside, it became evident that neutrality was not an option. Soon everyone was forced to choose sides. Often families were split over remaining loyal to their ancestral ties to England and King George III and believing they should be independent and self-governing.

Patriot and Loyalist Women

Patriot women had been active in anti-British campaigns for more than a decade prior to the outbreak of the Revolutionary War. The Daughters of Liberty began the tax protest with an organized boycott of British tea three years before the Sons of Liberty staged the Boston Tea Party. They also organized boycotts against British cloth, making homespun fabric their Patriot garb. This added countless hours of spinning, weaving and sewing to their domestic chores, but the effort paid off, as the colonists became less and less dependent on England. British warehouses were not safe from Patriot women, who would sometimes force the owners to give up their goods. As a threatening gesture of defiance, they sometimes hung British tax collectors in effigy.

Revolutionary women provided much of the financing for the war effort, raising thousands of dollars for food, clothing and medical supplies through charity fairs. They went door-to-door to collect money, gold and luxuries to be used to buy raw materials for military supplies. Women scoured the countryside for scrap metal to melt down for ammunition and cannon balls. They contributed their pewterware to be melted down for bullets and set up assembly lines in their houses to make the ammunition.

With their husbands and fathers at war, women became economically self-sufficient, running the family farms and businesses by themselves and selling produce to supplement their husbands' irregular soldier's pay.

Both Patriot and Loyalist women took part directly in the conflict as spies, messengers and resisters. A few women, disguised as men, fought as soldiers. Since relatively few Loyalist women believed strongly enough in the British cause to intervene aggressively, they did not organize like the patriots. Some Loyalist women stayed behind to protect their property from confiscation when their families fled to England. They were shunned, slandered, publicly ridiculed, imprisoned and sometimes tortured by Patriots who disagreed with their political views.

American Slavery

When the British troops withdrew from the colonies, many slaves who had fought on their side went with them. The promise of freedom loomed large for enslaved African Americans who remained here, but the laws of emancipation were slow in coming. Instead, new laws were passed restricting the rights of the free African Americans. Slave importation became illegal in 1808, but the law was

rarely enforced. From then until the outbreak of the Civil War, over 250,000 slaves were imported illegally.

American Indians

The Iroquois, noted for their skill in diplomacy, tried unsuccessfully to avoid taking sides in this war between white men. The colonists' victory was devastating for all American Indians, even for those who had fought on the Americans' side. George Washington's scorched-earth policy in Western New York won him the name "Village Destroyer." It was said that for years afterward, whenever an Iroquois woman or child heard his name they would hide their face and cry.

Unable to pay money to the soldiers after the war, the new government paid them in land--land taken from the Indians. Although most of the Iroquois had remained neutral or fought with the colonists, the new U.S. government took over most of their land and parceled it out in tracts as payment to soldiers.

The end of the Revolutionary War and the tremendous demand for more land resulted in the forced relocation of most American Indians to the territory west of the Mississippi River. An ever-growing American population claimed more hunting and farming land. American Indian people continued to face the difficult choice of physically resisting colonial religious, economic and political pressure or retreating.

The New Constitution

The spirit of the Revolution was one of independence and freedom. Yet, when the new Constitution was written, it continued to treat women as dependent beings. No new legal codes protected them, nor were they freed from an inferior and dependent status in marriage. They had no voice in choosing representatives for the new governing bodies. The language of the Constitution used the terms "people," "persons," and "electors," which left interpretation of voting rights up to each state. Yet, beginning in 1777 with New York and ending in 1807 with New Jersey, women were systematically denied the right to vote.

The new Constitution also failed to give freedom and independence to Blacks. In fact, slavery was written into the founding document of the country. Denied any rights as citizens and treated only as property, "the Three-Fifths Compromise" counted slaves as three-fifths of a person in determining representation based on population. Indirectly, it meant that anyone holding office in the new United States, in swearing to uphold the Constitution, would vow to uphold slavery.

Republican Motherhood

Although colonial women were not included in the new government, they transferred their patriot fervor into the family and created an idea called "Republican Motherhood." Unlike previous times, motherhood came to be idealized by Americans who now believed that the future of the new republic depended on the mother's ability to instill in her children, primarily her sons, the ideals of the new Republic. For the first time females were looked upon as being more loving and nurturing than males. The concept of Republican Motherhood upgraded women's inferior social status, but it did not improve their legal rights.

It is during this time that the Blackstone Code based on English common law became institutionalized. Under this code of law a married woman was denied a separate legal existence. She could not sign contracts, she had no right to her own earnings, nor could she vote in civil or religious matters. All of a married couple's property, including their children, belonged to the husband and was controlled exclusively by him.

A widow was given "dower rights," or one-third of her husband's estate, when he died. She was then allowed to own property, sign contracts and conduct her own business affairs. During colonial times, most widows chose not to remarry.

The status of women varied slightly from colony to colony, but everywhere religious attitudes, supported by European tradition, forbade them to be equal partners in marriage or business, or to hold public office. The colonial family was based on a patriarchal system in which the husband, if alive, was the recognized head.

SETTING THE STAGE

Review Questions

1. When the Continental Congress voted to declare independence from England:
   a) 1/10 of the population supported the idea
   b) 1/3 of the population supported the idea
   c) 1/2 of the population supported the idea
   d) 2/3 of the population supported the idea

2. After the war began:
   a) no one was able to remain neutral
   b) families sometimes fought against each other
   c) armies and militias occupied the countryside
   d) all of the above

3. Patriot women:
   a) had not been involved in any political activity before the war
   b) did not want independence
   c) had made homespun cloth as an alternative to importing cloth from England
   d) all of the above

4. Both Patriot and Loyalist women:
   a) acted as spies and messengers
   b) demonstrated skill and courage
   c) formed organizations
   d) all of the above

5. When the new constitution was written:
   a) women were guaranteed equal rights.
   b) slaves were considered citizens
   c) women were not granted protection under the law
   d) all of the above

6. Colonial women:
   a) were included in the new constitution
   b) were given direct access to political power
   c) transferred their patriot fervor into "Republican Motherhood"
   d) all of the above

7. Based on the Blackstone Code, married women:
   a) could not sign contracts
   b) had no rights to her own earnings
   c) could not own property
   d) all of the above

8. At the end of the Revolutionary War:
   a) many slaves left with the British troops
   b) slaves were not granted their freedom
   c) new laws were passed restricting the rights of free Blacks
   d) all of the above

9. The importation of slaves:
   a) became illegal in 1808
   b) continued up to the Civil War
   c) both a and b
   d) none of the above

10. American Indians:
   a) benefited from the victory of the colonists
   b) continued to live free and unharmed
   c) sometimes resisted colonial religious, economic and political pressure
   d) all of the above

Document

BLACKSTONE COMMENTARIES

Although the Blackstone Commentaries on English common law were not written as a formal document until 1765, laws and customs described in the code defined the legal status of women from the founding of the colonies to far into the 19th century.

By marriage, the husband and wife are one person in the law; that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband; under whose wing, protection, and cover she performs everything... If the wife be injured in her person or property, she can bring no action for redress without her husband's concurrence ...

But though our law in general considers man and wife as one person, yet there are some instances in which she is separately considered as inferior to him, and acting by his compulsion. And therefore all deeds executed, and acts done by her during her coverture, are void...And in some felonies, and other inferior crimes, committed by her, through constraint of her husband, the law excuses her...

The husband also, by the old law, might give his wife moderate correction...

Review Questions

1. What rights did a married woman have under this law?

2. Since the Blackstone Code only applied to married women, why did women choose to marry and give up their legal status?

3. If you were a married woman who lived during this time, what would you describe as your major complaints about the restrictions of your legal status?

4. Do any of these restrictions for married women exist today?

Document

REMEMBER THE LADIES

Prior to the Revolutionary War Abigail Adams had written to her husband, John, reminding him of his duty to ensure the rights of women under the new government he was helping to form. The following is an excerpt from the correspondence of Abigail and John Adams.

Abigail Adams to John Adams, March 31, 1776

I long to hear that you have declared an independency... In the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. If particular care and attention is not paid to the Ladies we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.

That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute....Why then, not put it out of the power of the vicious and the Lawless to use us with cruelty and indignity with impunity...? Men of sense in all ages abhor those customs which treat us only as the vassals of your sex. Regard us then as beings, placed by providence under your protection, and in imitation of the Supreme Being make use of that power for our happiness.

John Adams to Abigail Adams, April 14, 1776

As to your extraordinary Code of Laws, I cannot but laugh. We have been told that our Struggle has loosened the bands of Government everywhere. That Children and Apprentices were disobedient--that schools and Colleges were grown turbulent--that Indians slighted their Guardians and Negroes grew insolent to their Masters. But your Letter was the first Intimation that another Tribe more numerous and powerful than all the rest were grown discontented....Depend upon it, We know better than to repeal our Masculine systems....We have only the Name of Masters, and rather than give up this, which would compleatly subject Us to the Despotism of the Petticoat, I hope General Washington, and all our brave Heroes would fight....

Abigail Adams to John Adams, May 7, 1776

...Arbitrary power is like most other things which are very hard, very liable to be broken...

Review Questions

1. List three statements which demonstrate Abigail Adams' concern about men having power over women.

2. What does she suggest as an answer to this problem?

3. What does John think of her request?

4. What does the correspondence of Abigail and John Adams reveal about why women were not included in the Constitution?

5. What is Abigail saying about power in her last letter? Do you agree with her? Why or why not?

ELIZABETH FREEMAN

In August of 1781, an African American slave won her freedom in the courts of Massachusetts. It was the first time anyone of her race had dared try to achieve freedom through the courts. Elizabeth Freeman knew that the words of the state's constitution said that all were born "free and equal." She was certain that included her.

Elizabeth Freeman was bought by a wealthy man named Colonel John Ashley and taken to his house when she was six months old. She became one of his most trusted slaves and often served his most important guests. Elizabeth was present when leaders of the Massachusetts Colony met to draft the new state constitution. Serving the men lunch, she felt her spine tingle when she overheard the words that were being included: "All men are created free and equal." Surely those words included her, she thought, and they were going to be part of the new supreme law of Massachusetts.

She waited eagerly for someone to tell her she was free at last. Freedom was the theme of the Revolutionary War, which was still raging. This war had already taken her own husband's life. He was known to have fought bravely for his own freedom as well as for that of his fellow colonists. If slaves and Black people everywhere were not to be free, then his fighting and death would have been for nothing.

Weeks passed but no one came to tell her of her freedom. Finally, after a violent incident with Mistress Ashley, Elizabeth made up her mind to go see a lawyer she had met at the Ashley household. She trudged through the mud and rain, uncertain of how she would be received. However, when she arrived, the lawyer, Thomas Sedgwick, greeted her warmly. Surprised at her request, he nevertheless listened to her story. He had never before given much thought to a slave wanting freedom. He did not have an immediate answer for her, either. Their meeting was cut short when a furious Colonel Ashley, arrived to take her home. Her eyes begged Mr. Sedgwick for protection, but he gently reminded her she had no choice but to go with her owner. Her situation seemed hopeless as she rode away with the Colonel. Elizabeth couldn't be sure Mr. Sedgwick would take her case, since he was her owner's friend and she had no money to offer for his legal services.

Two weeks later Elizabeth's spirits lifted briefly when the sheriff appeared at the Ashley household with a court order to remove her. The Colonel flatly refused, since all of the slaves were rightfully his property. The sheriff mounted up and rode off again. Elizabeth felt her hopes die as she watched him ride away.

He returned within a few days, bringing a court order and a bond of security for her. Colonel Ashley turned to her and commanded her not to leave. She knew that many people were homeless, starving, and without jobs because of the war and that the hardships were especially severe for Black people like herself. The Ashleys had been good to her, providing her with food, clothing, warm shelter--everything, in fact, except freedom. She'd never disobeyed her owner's orders before, but now she turned to Colonel Ashley and quietly said, "I want to be free."

While she waited for her case to be brought to court, Elizabeth worked for the Sedgwicks, quickly bringing order to their disorganized household. With all the servants working as an efficient team, the china and brass soon had a new shine and the house was spotless. The children loved her and affectionately nicknamed her "Mumbet." The Sedgwick household was clearly the better for her calm efficiency and attentiveness.

At last, on an August day in 1781, Elizabeth's case came to trial. Thomas Sedgwick represented her. At first he was doubtful of victory, but she never faltered in her belief that "all men are created free and equal and that includes slaves."

The court agreed with Elizabeth's interpretation of the words "all men are created free and equal." Elizabeth received money to pay her court costs and her back wages from Colonel Ashley, but more importantly, she won her freedom! Her case helped establish the precedent for ending slavery in Massachusetts.

Review Questions

1. How did the life of Elizabeth Freeman differ from that of other slaves of her time?

2. List three facts about this time period discussed in the story?

3. Why were Colonel Ashley and Thomas Segwick surprised that she wanted her freedom?

4. Why is her story important to history?

WOMEN AND THE CONSTITUTION

Discussion Questions

1. Benjamin Franklin modeled the Articles of Confederation after the Iroquois Confederacy, which united several sovereign Indian nations under one government. The Iroquois Confederacy's government and policy decisions were based on a balance of power between women and men. Iroquois women were at the center of their integrated religious/economic system which was based on the family unit. In most nations, ancestry was traced through the women rather than the European practice of tracing ancestry through the men. Clan mothers nominated the sachem or the leader, who then had to be approved by the entire clan. A leader was chosen for life, but if he broke the law or acted against the will of the people, the clan mothers could remove him from his leadership position.

- Discuss possible reasons why Franklin did not suggest complimentary roles for men and women in government for the new nation. (The correspondence between Abigail Adams and John Adams provides information about the prevailing attitudes of the time) (page 15).

2. The popular author, Tom Paine, published "An Occasional Letter on the Female Sex" in the *Pennsylvania Magazine* of August, 1775, which caused a great deal of discussion about the treatment of women. After recounting the world-historic oppression of women he said, "*...even in countries where they may be esteemed, the most happy, (are) constrained in their desires, in the disposal of their goods, robbed of freedom and will by the laws, the slaves of opinion, which rules them with absolute sway and construes the slightest appearance in guilt; surrounded on all sides by judges, who are at once tyrants and seducers...*" Paine pessimistically concluded "*...Yet, such, I am sorry to say, is the lot of woman over the whole earth. Man with regard to them, in all climates and in all ages, has been either an insensible husband or an oppressor; but they have sometimes experienced the cold and deliberate oppression of pride, and sometimes the violent and terrible tyranny of jealousy. When they are not beloved they are nothing; and, when they are, they are tormented. They have almost equal cause to be afraid of indifference and of love. Over three quarters of the globe nature has placed them between contempt and misery.*"

- Make a list of the problems that Paine said women faced during the Revolutionary War period.

- Compare the way Tom Paine speaks about the condition of women with John Adams' view (page 15) Since both these men were revolutionaries, living during the same period of time, how would you explain the differences?

- Compare the problems for women reported by Tom Paine in 1775 to the problems listed in Elizabeth Cady Stanton's "Declaration of Sentiments" in 1848 (see page 40). How did they differ by time period? Are any of the problems mentioned still problems for women today?

3. Discuss the Blackstone Code (page 14). In what ways did it limit women's legal rights under the Constitution? Are there any laws in your state which allow single women to do things that married women cannot do?

4. After seriously debating the issue, the Founding Fathers decided to write an acceptance of slavery into the Constitution. Abigail Adams disagreed with the action, having made her feelings about slavery clear to John as eary as 1774 when she wrote:

"It has always appeared a most iniquitous scheme to me to fight ourselves for what we are daily robbing and plundering from those who have as good a right to freedom as we have."

- What were the arguments in favor of slavery?

- Did women see the issue differently than men? Why? Why not?

5. At the time of the ratification of the Constitution, less than 10% of Blacks in the United States were free. Nothing divided the country more than the inclusion of slavery in the new Constitution. Abolitionists considered the Constitution's allowance of slavery a pact with the devil. Discuss the impact of the Three-Fifths Compromise for enslaved Black women and their families, as well as the impact it had on the history of this country.

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"Ourselves and Our Daughters Forever": Women and the Constitution, 1787–1876

by LINDA K. KERBER

In 1876, the United States celebrated one hundred years as an independent nation dedicated to the proposition that all men are created equal. The capstone of the celebration was a public reading of the Declaration of Independence in Independence Square, Philadelphia, by a descendant of a signer, Richard Henry Lee.

Elizabeth Cady Stanton, who was then president of the National Woman Suffrage Association, asked permission to present silently a women's protest and a written women's Declaration of Rights. Her request was denied. "Tomorrow we propose to celebrate what we have done the last hundred years," replied the president of the official ceremonies, "not what we have failed to do."

Led by Susan B. Anthony, five women appeared nevertheless at the official reading, distributing copies of their own Declaration. After this mildly disruptive gesture, they withdrew to the other side of the symmetrical Independence Hall, where they staged a counter-Centennial. "With sorrow we come to strike the one discordant note, on this one-hundredth anniversary of our country's birth," Susan B. Anthony declared.

Although the rhythms of her speech echoed the Declaration of Independence, as was fitting for the day—"The history of our country the past hundred years has been a series of assumptions and usurpations of power over woman..."—the substance of her speech was built on references to the Constitution. Anthony and the women for whom she spoke were troubled by the discrepancy between the universally applicable provisions of the Constitution and the specificity of the way in which these provisions were interpreted to exclude women. For example, since all juries excluded women, women were denied the right of trial by a jury of their peers. Although taxation without representation had been a rallying cry of the Revolution, single women and widows who owned property paid taxes although they could not vote for the legislators who set the taxes. A double standard of morals was maintained in law, by which women were arrested for prostitution while men went free. The introduction of the word "male" into federal and state constitutions, Anthony asserted, functioned in effect as a bill of attainder, in that it treated women as a class, denying them the right of suffrage, and "thereby making sex a crime."

Anthony ended by calling for the impeachment of all officers of the federal government on the grounds that they had not fulfilled their obligations under the Constitution. Their "vacillating interpretations of constitutional law unsettle our faith in judicial authority, and undermine the liberties of the whole people," she declared.

> *Special legislation for woman has placed us in a most anamalous position. Women invested with the rights of citizens in one section—voters, jurors, office-holders—crossing an imaginary line, are subjects in the next. In some States, a married woman may hold property and transact business in her own name; in others her earnings belong to her husband. In some States, a woman may testify against her husband, sue and be sued in the courts; in others, she has no redress in case of damage to person, property, or character. In case of divorce on account of adultery in the husband, the innocent wife is held to possess no right to children or property, unless by special decrees of the court . . . In some States women may enter the law schools and practice in the courts; in others they are forbidden. . . .*
>
> *These articles of impeachment against our rulers we now submit to the impartial judgment of the people . . . From the beginning of the century, when Abigail Adams, the wife of one president and mother of another, said, "We will not hold ourselves bound to obey laws in which we have no voice or representation," until now, woman's discontent has been steadily increasing, culminating nearly thirty years ago in a simultaneous movement among the women of the nation, demanding the right of suffrage. . . . It was the boast of the founders of the republic, that the rights for which they contended were the rights of human nature. If these rights are ignored in the case of one-half the people, the nation is surely preparing for its downfall. Governments try themselves. The recognition of a governing and a governed class is incompatible with the first principles of freedom. . . .*
>
> **"Declaration of Rights"**
> ***History of Woman Suffrage*, III, pp. 31–34**

Division of Political History, Smithsonian Institution, Washington, D.C.

Let us stand with Susan B. Anthony at her vantage point of 1876 and review the constitutional issues that touched women's lives in the first hundred years of the republic. During those hundred years, basic questions were defined and strategies for affecting legislation were developed. Not until the century following the Centennial would women direct their energies to constitutional amendment. In the first century, the challenge was to understand whether and to what extent women's political status was different from that of men, and to develop a rationale for criticizing that difference.

It is intriguing to speculate how the Founders might have responded to Anthony's challenge. Throughout the long summer of 1787 in Philadelphia, the role of women in the new polity went formally unconsidered. Whether they came from small or big states, whether they favored the New Jersey or Virginia Plan, whether they hoped for a gradual end to slavery or a strengthening of the system, the men who came to Carpenters' Hall in 1787 shared assumptions about women and politics so fully that they did not need to debate them. Indeed, John Adams had missed the point in his now-famous exchange with Abigail Adams to which Anthony referred in her Centennial Address: Abigail Adams had clearly had domestic violence as well as political representation in mind as she wrote; that is, she was thinking in both practical and theoretical terms. Her husband refused to deal with the issue:

Abigail Adams to John Adams
March 31, 1776

> *. . . in the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. If perticular care and attention is not paid to the Laidies we are determined to foment a Rebelion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.*
>
> *That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute . . . . Why then, not put it out of the power of the vicious and the Lawless to use us with cruelty and indignity with impunity. . . ."*

John Adams to Abigail Adams
April 14, 1776

> *As to your extraordinary Code of Laws, I cannot but laugh. We have been told that our Struggle has loosened the bands of Government every where. That Children and Apprentices were disobedient—that schools and Colledges were grown turbulent—that Indians slighted their Guardians and Negroes grew insolent to their Masters. But your Letter was the first Intimation that another Tribe more numerous and powerfull than all the rest were grown discontented. . . . Depend upon it, We know better than to repeal our Masculine systems. . . . We have only the Name of Masters, and rather than give up this, which would compleatly subject Us to the Despotism of the Peticoat, I hope General Washington, and all our brave Heroes would fight. . . .*

Abigail Adams to John Adams
May 7, 1776

> *. . . Arbitrary power is like most other things which are very hard, very liable to be broken . . . ."*

The exclusion of married women from the vote was based on the same principle that excluded men without property from the vote. If the will of the people was in fact to be expressed by voting, it was important that each vote be independent and uncoerced. But men who had no property and were dependent on their landlords or employers for survival were understood to be vulnerable to pressure; they were, in John Adams' words, "too

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dependent upon other men to have a will of their own." Adams acknowledged, in fact, that excluding all women was somewhat arbitrary; but lines, as he explained in a thoughtful letter to the Massachusetts politician James Sullivan, had to be drawn somewhere.

John Adams to James Sullivan
May 26, 1776

It is certain, in theory, that the only moral foundation of government is, the consent of the people. But to what an extent shall we carry this principle? Shall we say that every individual of the community, old and young, male and female, as well as rich and poor, must consent, expressly, to every act of legislation? No, you will say, this is impossible. How, then, does the right arise in the majority to govern the minority, against their will? Whence arises the right of the men to govern the women, without their consent? Whence the right of the old to bind the young, without theirs? . . .

But why exclude women?

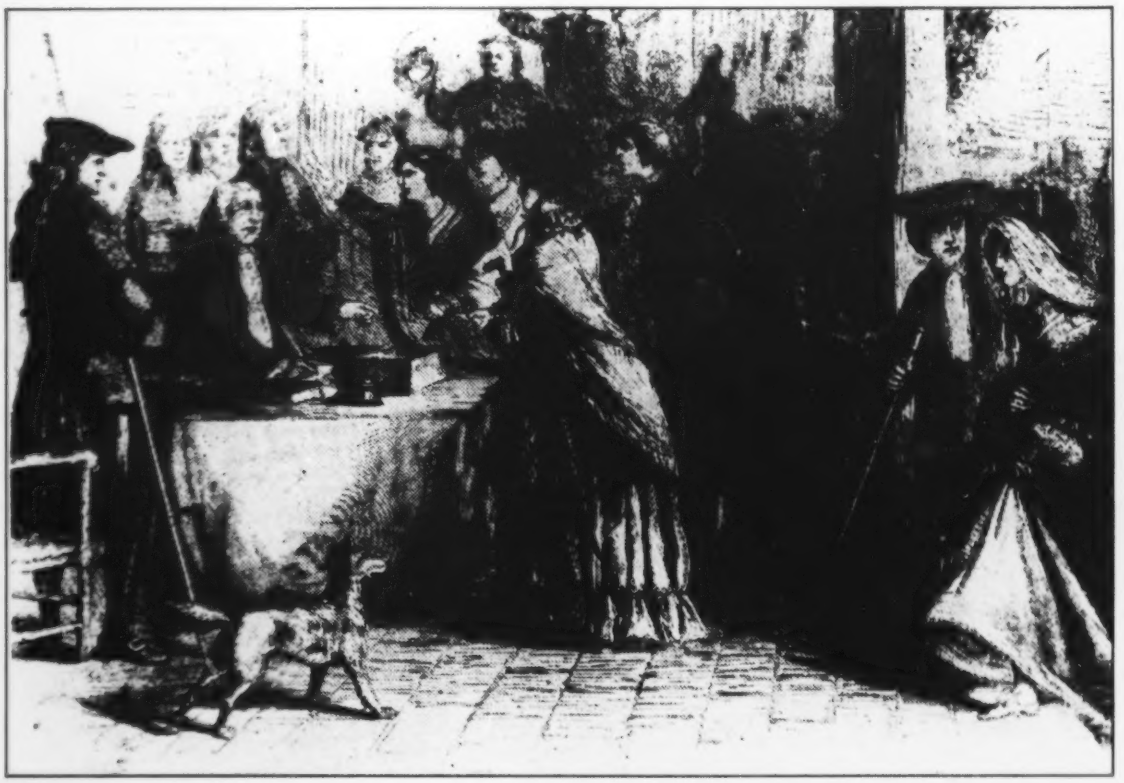
You will say, because their delicacy renders them unfit for practice and experience in the great businesses of life, and the hardy enterprises of war . . . . Besides, their attention is so much engaged with the necessary nurture of their children, that nature has made them fittest for domestic cares. And children have not judgment or will of their own. True. But will not these reasons apply to others? It is not equally true, that men in general, in every society, who are wholly destitute of property, are also too little acquainted with public affairs to form a right judgment, and too dependent upon other men to have a will of their own? . . . They talk and vote as they are directed by some man of property. . . .

Your idea that those laws which affect the lives and personal liberty of all, or which inflict corporal punishment, affect those who are not qualified to vote, as well as those who are, is just. But so they do women, as well as men; children, as well as adults. What reason should there be for excluding a man of twenty years eleven months and twenty-seven days old, from a vote, when you admit one who is twenty-one? The reason is, you must fix upon some period in life, when the understanding and will of men in general, is fit to be trusted by the public. Will not the same reason justify the state in fixing upon some certain quantity of property, as a qualification?

The same reasoning which will induce you to admit all men who have not property, to vote, with those who have, for those laws which affect the person, will prove that you ought to admit women and children; for, generally speaking, women and children have as good judgments, and as independent minds, as those men who are wholly destitute of property; these last being to all intents and purposes as much dependent upon others, who will please to feed, clothe and employ them, as women are upon their husbands, or children on their parents . . .

Depend upon it, Sire, it is dangerous to open so fruitful a source of controversy and altercation as would be opened by attempting to alter the qualifications of voters; there will be no end of it. New claims will arise; women will demand a vote; lads from twelve to twenty-one will think their rights not enough attended to; and every man who has not a farthing, will demand an equal voice with any other, in all acts of state. It tends to confound and destroy all distinctions, and prostrate all ranks to one common level . . .

John Adams spelled out with unusual frankness what most of his colleagues believed. If dependent men were to vote, the result would not be that the will of all individuals was counted; rather the result would be that landlords and employers would in effect exercise multiple votes. Married women were thought to be in much the same state as unpropertied men. Their property, according to the ancient tradition of British law, came into their husbands' power when they married, a practice known as *coverture*. The married woman, "covered" by her husband's civic identity, lost the power to manipulate her property independently. (She remained, however, an independent *moral* being under the law, capable of committing crimes, even treason.) To give a vote to a person so dependent



Women voting in eighteenth-century New Jersey. *Library of Congress.*

on another's will seemed to give a double vote to husbands, rather than to enfranchise wives. In a society in which it was assumed that the wife did the husband's bidding, it seemed absurd to give married men a political advantage over their unmarried brothers. Therefore virtually all the states denied the franchise to married women as well as to men without property.

The logic that excluded married women should not have, on the face of it, excluded unmarried women with property—including widows—who were not under the immediate influence of an adult man and who could buy and sell their property and who paid taxes. Single adult women might have formed a substantial electorate, even with coverture. But in practice custom rather than logic prevailed, and single women were treated for the most part as were their married counterparts.

Only in New Jersey, where the state constitution of 1776 enfranchised "all free inhabitants" who could meet property and residence requirements, did women vote; in 1790, possibly because of Quaker influence, an election law used the phrase "he or she" in referring to voters.

> *. . . all Inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large . . .*
>
> **New Jersey Constitution, 1776**

> *No person shall be entitled to vote in any other township or precinct, than that in which he or she doth actually reside at the time of the election . . . Every voter shall openly, and in full view deliver his or her ballot . . .*
>
> **Acts of New Jersey, 1797**

The general tendency in suffrage law throughout the nineteenth century was to broaden the electorate by gradually eliminating property and racial qualifications; yet the New Jersey election statute did not become a model for other states. In 1797 the women's vote was thought to have been exercised as a bloc vote in favor of the Federalist candidate for Elizabethtown in the state legislature, and it was alleged to have made a real difference in the outcome of the election.

Faced with this gender gap, the defeated Democratic-Republicans launched a bitter campaign with two themes that were to appear and reappear as long as woman suffrage was debated in this country. First, they argued that women who appeared at the polls were unfeminine, forgetful of their proper place. Second, they asserted that women were easily manipulated, if not by husbands, then

by fathers and brothers. It took ten years, but in 1807 New Jersey passed a new election law excluding all women from the polls, and no other state attempted New Jersey's 1776 experiment.

In the absence of a collective political movement, no delegate came to Philadelphia prepared to make an issue of woman suffrage or of any other distinctively female political concern; no one came prepared to engage in debate over the extent to which women were an active part of the political community.

With the benefit of hindsight, it is possible for historians to identify some political issues which politically empowered women might well have raised had the Constitution guaranteed their right to participate in a republican government. (Some of these issues were to be addressed only a few years later, by Montagnards and Jacobins in France.) One obvious issue is divorce reform. In some states divorce was nearly impossible in 1787; in all it was extremely difficult. Since the majority of petitioners for divorce were women, the issue was one in which women had a distinctive interest. The language of republicanism, with its acknowledgment that the new order validated a search for happiness, was taken by a number of people to imply that divorce reform was a logical implication of republicanism. But the Constitution said nothing about it, and the states loosened restrictions only slowly. Two generations later women's rights activists would place divorce reform high on their political agenda; it is probable that it would also have been given priority on an agenda drafted in the 1780's.

A second concern might have been pensions for widows of soldiers. The Continental Congress authorized modest pensions for the widows of officers, but widows of soldiers would not be provided with pensions until 1832, by which time, of course, many of them were dead. It is easy to think of other issues: the right of mothers to child custody in the event of divorce, restrictions on wife abuse, the security of dower rights. But expressions of opinion on these issues remained the work of individuals; no collective feminist movement gave them articulate expression as was the case in France. No organized female political pressure was brought to bear at the Constitutional Convention; there do not seem to have been American predecessors of the female Jacobin clubs of Paris.

The Constitution reflected the experience of the white upper and middle-class men who wrote it and the experience of their constituents, the men of the upper and lower middle classes, the farmers and artisans, who had, as historian Edward Countryman has observed, "established their political identity in the Revolution." Women had not yet, as a group, firmly established their political identity.

The Constitution did not explicitly welcome women as voters or take particular account of them as a class. However, what the Constitution left unsaid was as important as what it did say. The text of the Constitution usually speaks of "persons"; only rarely does it use the generic "he". Women as well as men were defined as citizens. The Constitution establishes no voting requirements, leaving it up to the states to set the terms by which people shall qualify to vote.

> **Article I, section 2:** *The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature.*

Thus women were NOT explicitly excluded from Congress, nor even from the Presidency. The Constitution, in fact, left an astonishing number of substantive matters open to the choices of individual states; every part of it was open to change by amendment. This flexibility is an important reason for the survival of the American Constitution, as contrasted to the other republican constitutions of the era, like the French, which were far more detailed and explicit, but also less resilient. Women might have been absorbed fully into the American political community without the necessity of constitutional amendment.

Yet this absorption did not occur automatically. No state imitated New Jersey's experiment with suffrage before the Civil War; only a few—Utah, Wyoming, Colorado—did so after the war. No state moved to place non-voters on juries, although there was obvious common sense in the argument that in order for a woman to be tried by her peers a jury should include women, whether or not women voted in that state. Although the old argument that the proper voter was a person of property eroded as liberals steadily decreased property requirements for voting by men, women were not enfranchised.

Elizabeth Cady Stanton, by L. Schamer. National Portrait Gallery, Smithsonian Institution, Washington, D.C.

Still, even without the vote, effective political coalitions of feminists and legal reformers developed at the end of the 1830s. They were interested in the codification and simplification of state laws. They pressed for the passage of Married Women's Property Acts that would enable married women to control property without necessitating cumbersome trusteeship arrangements. Beginning with a severely limited statute passed in Mississippi in 1839 and continuing throughout the century, state Married Women's Property Acts gradually extended the financial independence of married women, making it possible for a few feminists to entertain a vision of a full range of women's political activity, even under the older requirements of property-holding. However, the new control which women achieved over their own property was not accompanied by the extension of the franchise.

The New York State Married Women's Property Act provides an example of this type of legislation:

> *The real and personal property of any female [now married and] who may hereafter marry, and which she shall own at the time of marriage, and the rents, issues and profits thereof shall not be subject to the disposal of her husband, nor be liable for his debts, and shall continue her sole and separate property, as if she were a single female. . . . It shall be lawful for any married female to receive by gift, grant, devise or bequest, from any person other than her husband and hold to her sole and separate use, as if she were a single female, real and personal property, and the rents, issues and profits thereof, and the same shall not be subject to the disposal of her husband, nor be liable for his debts . . . .*
>
> *A married woman may bargain, sell, assign, and transfer her separate personal property, and carry on any trade or business, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade . . . shall be her sole and separate property, and may be used or invested by her in her own name . . . .*
>
> *Any married woman may, while married, sue and be sued in all matters having relation to her . . . sole and separate property . . . in the same manner as if she were sole . . . .*
>
> *Every married woman is hereby constituted and declared to be the joint guardian of her children, with her husband, with equal powers, rights, and duties in regard to them, with the husband . . . .*
>
> **New York State Married Women's Property Acts, 1848, 1860**

Elizabeth Cady Stanton, who had been a strong supporter of the New York Married Women's Property Act, was also an energizing force behind the gathering of women in Seneca Falls in 1848. She and others who prepared and signed the "Declaration of Sentiments" at that meeting addressed forcefully the ways in which women had not been fully absorbed into the republican political order, although they were citizens. After a preface casting "Man" in a rhetorical role comparable to that played by King George III in the Declaration of Independence, the Declaration of Sentiments addressed constitutional and legal as well as social questions: trial by jury, the relationship between taxation and representation, the persistence of coverture.

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Suffragists before the House Judiciary Committee, 1871. From Leslie's Illustrated Newspaper, February 4, 1871. *Library of Congress.*

He has compelled her to submit to laws, in the formation of which she had no voice . . . .

He has made her, if married, in the eye of the law, civilly dead . . . .

He has taken from her all right in property, even to the wages she earns . . . .

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it . . . .

Declaration of Sentiments

The legislative gains of the early part of the century and the emergence of a women's movement at mid-century were not, however, followed by a wave of enfranchisement. In fact, women found themselves excluded from the debate about the extension of the franchise which was engendered by the Civil War.

The Civil War was not only a military crisis but also a revolution in politics, which would be validated by the Thirteenth, Fourteenth, and Fifteenth Amendments. By now there was, most emphatically, a collective women's presence—in the Sanitary Commissions, the women's abolitionist societies, the Women's National Loyal League. But the "Woman Question" had not been central to the ideology of the Civil War, and once again, women found they could not claim its benefits by implication. Abolitionist and Republican feminists had permitted themselves to anticipate that suffrage would be the appropriate reward for their sacrifices and support of the war effort. Their resentment was therefore all the greater when woman suffrage was not made part of the post-war amendments. The inclusion of the word "male" in the second section of the Fourteenth Amendment—a section never enforced—rubbed salt in a raw wound.

Fourteenth Amendment, 1868

Section one

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section two

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to

Myra Bradwell. *Library of Congress.*

any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State . . .

Holding their tempers, suffragists embarked on a national effort to test the possibilities of the first section of the Fourteenth Amendment, only to discover that the Supreme Court rejected their arguments. It was tested first in 1873 by Myra Bradwell, a Chicago woman who had studied law with her husband. She had been granted a special charter from the State of Illinois permitting her to edit and publish the *Chicago Legal News* as her own business, a business she carried on with distinction. (After the Chicago fire destroyed many law offices, it was the files of Bradwell's *Legal News* on which the city's attorneys relied for their records.) Bradwell claimed that one of the "privileges and immunities" of a citizen guaranteed by Section 1 was her right to practice law in the State of Illinois and to argue cases. The Illinois Supreme Court turned her down, on the ground that as a married woman, she was not a fully free agent.

In her appeal to the Supreme Court, Bradwell's attorney argued that among the "privileges and immunities" guaranteed to each citizen by the Fourteenth Amendment was the right to pursue any honorable profession. "Intelligence, integrity and honor are the only qualifications that can be prescribed .... The broad shield of the Constitution is over all, and protects each in that measure of success which his or her individual merits may secure." But the Supreme Court held that the right to practice law in any particular state was a right that might be granted by the individual state; it was not one of the privileges and immunities of citizenship. A concurring opinion added an ideological dimension:

The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded on the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong or should belong to the family institution, is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband. So firmly fixed was this sentiment in the founders of the common law that it became a maxim of that system of jurisprudence that a woman had no legal existence separate from her husband, who was regarded as her head and representative in the social state . . . many of the special rules of law flowing from and dependent upon this cardinal principle still exist in full force in most states. One of these is that a married woman is incapable, without her husband's consent, of making contracts which shall be binding on her or him. This very incapacity was one circumstance which the supreme court of Illinois deemed important in rendering a married woman incompetent fully to perform the duties and trusts that belong to the office of an attorney and counselor.

***Myra Bradwell* v. *State of Illinois*, 1873.**

Meanwhile, suffragists in a number of places attempted to test the other possibilities of the first section of the Fourteenth Amendment. In the presidential election of 1872, suffragist women in a number of districts appeared at the polls, arguing that if all citizens had the right to the privileges of citizenship, they could certainly exercise the right to vote. Susan B. Anthony presented herself at a

barber shop in the eighth ward in Rochester, New York, which was serving as a polling place, and convinced two out of the three polling inspectors to register her, on the grounds that the New York State Constitution made no sex distinctions in the qualifications for voters. By the end of the day, fifteen more women had registered. On November 5, having first assured the inspectors that if they were prosecuted for admitting unauthorized persons to the polls, she would pay their legal fees, Anthony and the other women voted. But it was Anthony and the other women who were arrested for an illegal attempt to vote. When she was judged guilty, she refused to pay her bail, hoping to force the case to the Supreme Court. A supporter, however, thinking he was doing Anthony a favor, paid it. The case was set for trial; in the interlude she voted in the Rochester city elections, and no one made a fuss. When the trial was moved to another county, Anthony and her colleagues made a whirlwind tour, speaking in approximately twenty towns each, ensuring that public opinion would not be uniformly against them even in a strange locale.

Anthony reasoned that sex was a characteristic markedly different from youth or being an alien. Although aliens could not vote, an individual alien man could choose to become a naturalized citizen. Minors could not vote, but minors, in the nature of things, grew to adulthood. "Qualifications," she argued, "can not be in their nature permanent or insurmountable. Sex can not be a qualification any more than size, race, color, or previous condition of servitude."

The judge, wanting to deny Anthony the legal system as a forum, directed the jury to bring in a verdict of guilty, and immediately discharged the jury. He fined Anthony $100. When she announced that she would "never pay a dollar of your unjust penalty," he declined to enforce the punishment. "Madam, the Court will not order you to stand committed until the fine is paid." Thus he had it both ways; a verdict of guilty, which would dissuade others from following Anthony's path, but a refusal to punish, thus avoiding making Anthony a martyr.

The President of the Woman Suffrage Association of Missouri was able to do what Anthony could not. Observing that the "power to regulate is one thing, the power to prevent is an entirely different thing," Virginia Minor attempted to vote in St. Louis. When the registrar refused to permit her to register, she and her husband Francis, an attorney who had developed the distinction between regulation and prohibition of suffrage, sued him for denying her one of the privileges and immunities of citizenship. When they lost the case they appealed to the Supreme Court.

In *Minor* v. *Happersett*, decided in 1875, the Court ruled that change must happen as a result of explicit legislation or constitutional amendment, rather than by interpretation of the implications of the Constitution. In a unanimous opinion, the Court observed that it was "too late" to claim the right of suffrage by implication; the Founders had been men who weighed their words carefully. Nearly a hundred years of failure to claim inclusion by implication made a difference. What might have been gradual evolution in the Founders' generation was avoidance of legal due process a hundred years later—"If suffrage was intended to be included . . . language better adapted to express that intent would most certainly have been employed." The Court was not prepared to interpret the Constitution freshly: "If the law is wrong it ought to be changed; but the power for that is not with us . . . . " The decision of the Court meant that woman suffrage could not emerge from reinterpretation of the Constitution; it would require either an explicit constitutional amendment or a series of revisions in the laws of the states.

> *. . . For nearly ninety years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to declare what it should be.*
>
> **Minor v. Happersett, 1875.**

In the years between 1848 and 1876, American women had created a collective movement. It is true that it did not include the entire female population; many women were unaware and more were hostile. But the activists had brought into being an articulate and politically sophisticated pressure group which was prepared to offer an explicit and detailed criticism of the American political system and to make direct demands for inclusion in it.

Susan B. Anthony, by L. Schamer. National Portrait Gallery, Smithsonian Institution, Washington, D.C.

When Susan B. Anthony rose to speak on July 4, 1876, the strategies of feminist politics were being realigned. She had the court decisions in *Bradwell* and *Minor* in mind as she spoke. She addressed not only the issue of suffrage but also the exclusion of women from multiple aspects of the political community which the Constitution had created. The right to serve on a jury had been so precious to American men that some states had refused to ratify the Constitution until they were convinced it would be added; yet "the women of this nation have never been allowed a jury of their peers," even in crimes like infanticide or adultery, where women's perspective might well be different from that of men. Anthony decried the division of the community into a class of men, which governed, and a class of women, which was governed.

Anthony's generation of feminists would begin their campaign for suffrage to restore what the second section of the Fourteenth Amendment—with its introduction of the word *male*—had killed by implication. A suffrage amendment would be introduced in the Senate in 1878, and a new chapter in the political history of feminism would begin.

It is important to recognize that Stanton and Anthony's definition of equality under the Constitution was considerably more inclusive than the vote alone. It included a vision of egalitarianism in the *process* of lawmaking as well as in the outcome. Ever since the 1848 Declaration of Sentiments, it had included a vision of equality within the family, between husbands and wives, as well as social equality, between male and female citizens, in the public realm. In her Centennial Address, Anthony expressed the full range of this vision, attacking double standards in moral codes, unequal pay scales, unequal treatment of adulterers. She would not be surprised today to see wife abuse, female health, or the feminization of poverty emerge as topics high on the contemporary feminist agenda. "It was the boast of the founders of the republic, that the rights for which they contended were the rights of human nature. If these rights are ignored in the case of one-half the people, the nation is surely preparing for its downfall," she declared.

Anthony ended her Declaration of Rights with a ringing conclusion. If there are any schoolchildren today who still memorize, as children did in the nineteenth century, great moments in the oratorical tradition of this country—Webster's reply to Hayne, Lincoln's Gettysburg Address—they should add this to their repertory:

> *And now, at the close of a hundred years, as the hour-hand of the great clock that marks the centuries points to 1876, we declare our faith in the principles of self-government; our full equality with man in natural rights; that woman was made first for her own happiness, with the absolute right to herself—to all the opportunities and advantages life affords for her complete development; and we deny that dogma of the centuries, incorporated in the codes of all nations—that woman was made for man—her best interests . . . to be sacrificed to his will. We ask of our rulers, at this hour, no special privileges, no special legislation. We ask justice, we ask equality, we ask that all the civil and political rights that belong to citizens of the United States be guaranteed to us and our daughters forever.*

Suggested additional reading:

Elizabeth Cady Stanton et al. *The History of Woman Suffrage*, 6 vols. (1881–1922).

Alice S. Rossi, ed. *The Feminist Papers* (1973).

Linda K. Kerber is the author of *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill, University of North Carolina Press, 1980) and co-editor, with Jane De Hart Mathews, of *Women's America: Refocusing the Past* (New York: Oxford University Press, 1982). She is professor of history at the University of Iowa.

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"OURSELVES AND OUR DAUGHTERS FOREVER"

Discussion Questions

1. Why did Susan B. Anthony and the other women of the National Woman's Suffrage Association "strike the one discordant note," on the one-hundredth anniversary of our country's birth? What were their complaints?

2. What justification did John Adams give for not wanting women and non-propertied men to have the right to vote?

3. Why were unmarried women with property, including widows, not allowed to vote?

4. Why did New Jersey deny women the right to vote?

5. Under the Constitution, were voting rights decided by the states or by Congress? Why?

6. What were the first rights given to women through state law?

7. How did the wording of the Fourteenth Amendment discriminate against women?

8. Why was Myra Bradwell denied the right to practice law?

9. How did Susan Anthony break the law? What happened to her?

10. What was the outcome of Minor v. Happersatt in 1875?

11. What did 19th century women's rights activists want when they argued for women's equality under the Constitution?

THE THIRTEENTH AMENDMENT

In 1832, Black women in Salem, Massachusetts, organized the first Female Anti-Slavery society. Five years later a national convention was called of the female anti-slavery societies which were active in every northern state.

By the early 1840s, thousands of women and men were involved in the Abolitionist Movement. Two of the most active and best-known speakers for the abolitionist cause were Sarah and Angelina Grimke. They were sisters who grew up on a plantation in North Carolina and came North to speak to others about the horrors of slavery. They became Quakers, and joined with a Quaker minister named Lucretia Mott to hold public meetings for women to talk about the evils of slavery. They were such good speakers that soon men began to attend the meetings as well. These anti-slavery meetings naturally attracted the attention of the press and the clergy. The Grimke sisters and Lucretia Mott were harshly criticized for speaking in public -- and to men! This was considered very improper at the time. They were often confronted by hostile crowds and rioting mobs. They faced the serious threat of being tarred and feathered as thugs had done to other abolitionist workers.

By the mid-1800s, slavery had become a central political issue. Although only 25% of Southerners held slaves, the institution of slavery was basic to the Southern economy and society. Northern business leaders supported slavery because they wanted to continue to trade with the South. After much debate and controversy, and as an attempt to save the Union, the Compromise of 1850 was passed. Because of this law, California was allowed to enter the Union as a free state. At the same time, it established the Fugitive Slave Law which made it a criminal act to help slaves escape. Other political compromises followed, but the issue of whether the United States should be a free or slave country continued to divide the nation.

Anti-slavery societies worked against slavery in a variety of ways. Abolitionists published newspapers and traveled throughout the country lecturing about the horrors of slavery. The Free Produce Society was established to discourage the use of slave-produced products such as rice, cotton, sugar and molasses. The Underground Railroad, a network of safehouses for runaway slaves, was active in 14 northern states.

Somewhere between 40,000 and 100,000 people escaped slavery using the Underground Railroad. This network provided food, shelter and clothing for runaway slaves. Harriet Tubman is the most famous of the "conductors" on this "railroad." She personally led over 300 people to freedom in the North. Tubman was only one of several thousand people, male and female, Black and white, Northerner and Southerner, who made up the Underground Railroad. They risked everything they owned, including their very lives, to protect the runaway slaves who came into their care.

By 1860, the Abolitionist movement was strong enough to elect Lincoln president on an anti-slavery platform. However, when the Southern states seceded from the Union over the slavery issue, Lincoln framed the mission of the war to be that of preserving the union rather than ending slavery. Abolitionists were outraged.

The Union's war efforts were largely supported by the voluntary efforts of Northern women working through Sanitary Commissions to provide money, medical supplies, food and clothing for the soldiers. This gave Northern women a base from which to influence the politics of the war. Five thousand women organized the National Woman's Loyalty League to pressure the President to end slavery. They gathered an unprecedented 400,000 signatures of women, men and children on a petition calling for a Thirteenth Amendment to the Constitution which would abolish slavery.

THE THIRTEENTH AMENDMENT

Abolition of Slavery

(Ratified December 6, 1865)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Discussion Questions

The fight against slavery began before the ratification of the Constitution and continued until the passage of the Thirteenth Amendment.

1. Discuss the obstacles abolitionists faced and the strategies they used to abolish slavery in America.

2. To protest against slavery and to put economic pressure on the Southern economy, Northern women boycotted goods and materials produced by slave labor. Why would this be a difficult boycott to observe?

3. Boycotts have often been used to assert economic pressure on a group, organization or even a country. What boycotts of products or goods exist in the United States today? Why are these boycotts being conducted?

4. Over 200 churches, Quaker meetings and synagogues throughout the country have established sanctuaries for Salvadorian and Guatemalan refugees fleeing the war and repression in their Central American homelands. Although there has been much U.S. government opposition to this, and church leaders have been prosecuted and convicted for violating U.S. immigration laws this way, sanctuaries continue to be established and operated.

- What are the similarities between the Underground Railroad and the current sanctuary movement?

ANGELINA GRIMKE

In the winter of 1838, Angelina Grimke, the daughter of wealthy slaveholders in South Carolina, appeared three times before a committee of the Massachusetts Legislature considering anti-slavery petitions collected by women. She was the first woman ever to address a legislative body in the United States. In this letter to her friend Sarah Douglas, a Black abolitionist leader, she described how such an unusual meeting proceeded. As a Quaker, Angelina Grimke used "thee" and "thou" when addressing another person.

Brookline, Mass. 2d Month 25th (1838)

My Dear Sarah

I have for some time felt that I ought to write thee a letter and now I shall try to make some amends by giving thee some account of my second meeting with the Legislative Committee. On reaching the State House we found numbers of persons coming away not being able to gain admittance; and the hall was jambed to such excess that it was with great difficulty we squeezed in, and then (we) were compelled to walk over the seats in order to reach the place assigned us. As soon as we entered we were received by clapping. After the bustle was over I rose to speak and was greeted by hisses from th doorway, tho' profound silence reigned thro' the crowd within. The noise in that direction increased and I was requested by the Chairman to suspend my remarks until order could be restored. Three times was I thus interrupted, until at last one of the Committee came to me and requested I would stand near the Speaker's desk. I crossed the Hall and stood on the platform in front of it, but was immediately requested to occupy the Secretary's desk on one side. I had just fixed my papers on two gentlemen's hats when at last I was invited to stand in the Speaker's desk. This was in the middle, more elevated and far more convenient in every respect. Now my friend, how dost thou think I bore all this? I never was favored with greater self-possession. I was perfectly calm -- took up the thread of my discourse and by speaking very loud, soon succeeded in hushing down the noise of the people, and was suffered to continue for more than 2 hours without the least interruption. My subjects were the Dangers of Slavery, the Safety of Emancipation, Gradualism, and the Character of the Free people of Color, the cruel treatment they were subjected to thro' the influence of prejudice--this always accompanied gradual emancipation. What the effect of these meetings is to be I know not, nor do I feel I have anything to do with it. No doubt great numbers who have attended them come out of mere curiosity; some to make fun of such a strange anomaly as a Woman's addressing a Committee of the Legislature; they came despising me and my cause from the bottom of their hearts. But I trust the Lord will overrule all things to his own glory, the manumission of the slave and the elevation of woman, for such proceedings cannot but have an important bearing on the Woman Question as it is called. Thine in the bonds of the oppressed.

Angelina Grimke

1. List the main concerns of Angelina Grimke's letter.

2. Why did she choose to speak in public?

3. Why would so many people attend a meeting at which she was speaking?

4. Angelina Grimke grew up in a very wealthy slaveholding family. From her earliest years she rebelled against rules which treated slaves as less than human. Why do you think she rebelled?

THE FOURTEENTH AND FIFTHTEENTH AMENDMENTS

The cause of women and that of Blacks were virtually inseparable before the Civil War. Both groups saw their oppression as similar. The institution of marriage, which made a woman into a legal non-entity, resembled the institution of slavery. Neither slaves nor married women had the right to their own person, property, wages, residence, or name. Since they were considered property, neither group could vote, sit on a jury, have custody of their children, sue or be sued, or carry on the other activities of legal adults. Free Blacks and women, who had voted in some of the colonies, were denied suffrage by state laws enacted after the Revolution. Both groups experienced similar educational and job discrimination.

They had supported each other's causes for years and, after the Civil War, advocates of Blacks' and women's rights formally organized together. It was a tremendously powerful coalition that had the potential to transform the political reality of the country.

Instead, the Republican party drafted the Fourteenth Amendment, which inevitably ruptured the coalition by pitting the rights of Black men against those of women. The Constitution had an acknowledgement of slavery written into it in the section determining the basis of representation. The Thirteenth Amendment changed that, and took slavery out of the Constitution. The Fourteenth Amendment protected the civil rights of Black men, but wrote the political slavery of women into the Constitution. For the first time, citizens were defined as "male," meaning that a constitutional amendment would be required to bring women constitutional equality and suffrage.

Black leaders initially opposed the Fourteenth Amendment and the Fifteenth as well--a suffrage amendment which was limited to Black men. But eventually the terrible truth was clear: self-serving politicians had forced an either/or choice between the rights of Black men or women. It was one or the other. Predictably, a bitter split occurred between those choosing each side. It wasn't a clear split along either sex or race lines. Robert Purvis, a Black abolitionist, said that he would rather have his son wait 50 years for the right to vote than have his daughter wait one day, because as a Black and a woman, she was doubly in need of the protection of the ballot. Abby Kelly Foster said it was the "Negro's hour," and women should wait their turn, while her husband Stephen opposed her, holding out for amendments that included women. Frederick Douglass pleaded with women to support the Fourteenth and Fifteenth Amendments, with the promise that he would work tirelessly for woman's rights once they were in place. He kept his promise until his death.

Despite the racism, sexism, and name-calling that fueled the split, the damage was neither permanent nor universal: Blacks, whites, women and men continued to work together on many issues.

THE FOURTEENTH AMENDMENT

Citizenship Rights Not to Be Abridged

(Ratified July 23, 1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the *male* inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of Congress, or as an officer(in the armed forces) of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.

Section 5. Congress shall have power to enforce, by appropriate legislation the provisions of this article.

The controversy regarding this amendment was generated by the word "male" in Section 2. The Founding Fathers had deliberately not used gender-specific words, but instead had used "people," "persons," and "citizens," thus leaving the interpretation up to the individual states. The use of the word "male" in Section 2 as the descriptor for citizen was interpreted to mean that only men were guaranteed equal protection under the law. Women were formally written out of the Constitution. It is ironic that this section, which was written to safeguard Black male suffrage especially in states that had seceded from the Union, was never enforced. After Reconstruction, laws were passed in the South to limit Black male suffrage and yet the number of Representatives to Congress was not reduced.

Discussion

Discuss the possible contradictions in Section 1 and 2.

THE FIFTEENTH AMENDMENT

Voting Rights Ensured For All Men

(Ratified March 30, 1870)

Section 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

THE FOURTEENTH AND FIFTEENTH AMENDMENTS

A Matter of Perspective

The debate over the Fourteenth and Fifteenth Amendments split the equal rights movement. Men and women, Black and white, who had worked together for years now found themselves on opposite sides of the issue. The following are some of their arguments.

Place a **1** before the quotations that support the idea of Black male suffrage and a **2** before the quotations that support the expansion of suffrage only if it also includes women.

Lucy Stone

_____*Woman has an ocean of wrongs too deep for any plummet and the Negro too has an ocean of wrongs that can not be fathomed. There are two great oceans: in the one is the black man, and in the other is the woman. But I thank God for the XV Amendment and hope that it will be adopted in every state. I will be thankful in my soul if anybody can get out of the terrible pit.*

Stanton-Anthony Resolution

_____*Until the Constitution shall know neither black or white, neither male or female, but only the equal rights of all classes, we renew our solemn indictment against that instrument as defective unworthy, and an oppressive charter for the self-government of a free people.*

Susan B. Anthony

_____*I will cut off this right arm of mine before I will ever work for or demand the ballot for the Negro and not the woman.*

Frederick Douglass

_____*When women, because they are women, are dragged from their homes and hung upon lamp-posts; when their children are torn from their arms and their brains dashed out upon the pavement; when they are objects of insult and outrage at every turn; when they are in danger of having their homes burnt down over their head; when their children are not allowed to enter schools, then they will have an urgency to obtain the ballot.*

Sojourner Truth

_____*There is a great stir about colored men getting their rights, but not a word about the colored women; and if colored men get their rights, and not colored women theirs, the colored men will be masters over the women and it will be just as bad as it was before.*

Frances Ellen Watkins Harper

_____*The white women all go for sex, letting race occupy a minor position. Being black means that every white, including every white working-class woman, can discriminate against you.*

Discussion Questions

1. Which of the quotations do you think is most convincing? Why?

2. Why did Susan Anthony and Elizabeth Cady Stanton, two people who worked to abolish slavery, object to the Fourteenth and Fifteenth Amendments?

3. One side argued that if Black men were not given the vote, they would continue to be denied all rights and even murdered on the streets. The other side argued that it was time for women and men to stand together and protect everyone's rights. Women were concerned that if they did not get the right to vote along with Black men, they might never get it. Using the quotations above, which way would you have voted? What would your main arguments be?

4. In 1964, almost 100 years after the passage of the Fourteenth and Fifteenth Amendments, a new Civil Rights Act was introduced in Congress. As the Act was being hotly debated, a senator who wanted the Act defeated added the word "sex." The amended Civil Rights Act then forbade discrimination on the basis of race, religion, creed, national origin or sex.

- Why do you think the Senator added the word "sex" to amend the Civil Rights Act?

- How might the discussion of this Act have been similar to the controversy over the Fourteenth and Fifteenth Amendments?

- The Civil Rights Act, including the word "sex," was passed by Congress in 1964. List three reasons why you think the passage of a 1964 Civil Rights Act, which prohibited discrimination on the basis of sex, was possible at that time.

THE EIGHTEENTH AMENDMENT

The organized movement to prohibit the sale of alcohol began in 1833 with the founding of the American Temperance Union. Both women and men were active in that organization. However, as was the case with many other reform movements of the day, women were relegated to a second class position within the movement. They were seldom allowed to speak at meetings or take active parts in organizational matters. Independent women's temperance organizations began forming in the Mid-west during the mid-1800s, staging prayer meetings outside saloons, demonstrations in front of distilleries and even resorting to such direct action tactics as destroying bars and liquor manufacturing facilities.

In 1874, the Women's Christian Temperance Union was founded. Frances Willard became its national president in 1879, and implemented an organizational policy which had the WCTU active in a wide range of issues related to protection of the family unit. Under the slogan of "Home Protection," she organized departments within the WCTU to address issues such as working conditions for women workers, health care, prison reform, peace, and woman's suffrage. Under Willard's leadership, membership in the Union grew to over 200,000 and gained a great deal of public support. Because women had few legal rights, they were totally at the mercy of their husbands. If their husband drank too much and spent all of the family's money, or beat her and the children, there was nothing she could do about it. Prohibiting the sale of liquor was seen as a way to end this kind of abuse suffered by women and children. Other groups had different reasons for wanting to outlaw the sale of alcohol. Churches, for example, supported temperance on moral grounds.

The liquor industry, on the other hand, was strongly opposed to the idea of temperance or prohibition. Because so many women were involved in the temperance movement, and the WCTU was also active in the woman's suffrage campaign, the liquor industry became very involved in the campaign against woman's suffrage. Liquor interests believed that if women were allowed to vote they would vote for laws outlawing the sale of alcohol. In fact, such laws were passed in many states, even those which did not allow women to vote. In the end, the Prohibition Amendment was passed by Congress and ratified by the states in 1919, before women finally won the right to vote.

THE EIGHTEENTH AMENDMENT

Prohibition of the sale of alcoholic beverages

(Effective January 16, 1920)

Section 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Discussion Questions

Married women in the 19th century had no legal rights. The husband had all the rights including ownership of his wife's paycheck and their children. The abuse of alcohol worsened this difficult situation. Women organized the Temperance Movement to try to bring an end to the family and social problems related to alcohol abuse. They thought that outlawing the sale of alcohol would eliminate the problems.

1. What other options did women have to control the abuse of alcohol?

2. What other options did women have to address the other domestic problems they faced?

3. What were the problems with regulating the sale of alcohol?

4. Why is alcohol now allowed to be sold publicly but other "recreational" drugs are not?

5. Discuss the issues that are similar between the current domestic violence movement and the temperance movement of the late 19th and early 20th centuries.

Suggested Activities:

1. Divide the class into two opposing groups - one representing the clergy and WCTU members and the

other representing the alcohol industry and those opposed to political activity for women - to debate the merits of prohibition.

2. Have students contact representatives from organizations that address issues of drug and alcohol abuse, such as Alcoholics Anonymous, Al-Anon, Al-Ateen, Child Protective Services, Battered Women Services, etc. Generally, these agencies have a Speaker's Bureau and students can schedule speakers to address the class. The class might prepare a list of sample questions ahead of time to be shared with the speaker. This would allow the speaker to assess the class's depth of understanding and sensitivity to the topic and to prepare accordingly.

THE WOMEN'S RIGHTS MOVEMENT AND THE NINETEENTH AMENDMENT

In 1840, Lucretia Mott was elected to be a delegate to the World Anti-Slavery Convention in London. When she arrived there she was told that she could not attend the meeting because it was for men only. Even though she was an official delegate for the U.S., she was only allowed to sit in the gallery and watch; she could not speak or vote. There she met a young woman who was attending the convention with her new husband. Her name was Elizabeth Cady Stanton. She was also an advocate of equal rights for women and was outraged at having been barred from the convention. Together they talked about the unfairness of anti-slavery workers treating women as inferior beings. They vowed to do something about it some day.

Eight years later, in 1848, Elizabeth Cady Stanton, Lucretia Mott and several of their friends placed a small ad in the Seneca Falls, New York, newspaper announcing that a Woman's Rights Convention would be held in that town. Such a meeting had never been held before. Much to their surprise, over 300 women and a few dozen men arrived to attend the meeting. At the convention, Mrs. Stanton read a paper which she called the "Declaration of Sentiments." It described the various ways in which men had power over women, such as divorce laws which gave all property and custody of the children to the husband, and the fact that women were barred from colleges and most types of employment. The document declared that women were equal to men, and should have the same rights and responsibilities in society as men did. It also publicly raised, for the first time, the idea that women should have the right to vote. Of all the issues discussed at the convention, the right to vote was considered to be the most radical.

Similar conventions were then held every year in various parts of the country until the outbreak of the Civil War. Because many of the women involved with these meetings were also active in abolition work, the early movement for women's rights was very closely allied with the abolitionist movement.

After the Civil War, the Fourteenth Amendment to the Constitution was proposed, dealing with voting rights and citizenship. The amendment was written in language that implied that all males were citizens and therefore should not be denied the right to vote. This wording also implied that women could be denied the right to vote. While the amendment was supported by many equal rights advocates, many people were concerned that passage of this amendment would make it more difficult for women to obtain the right to vote in the future.

This heartbreaking conflict exploded around the proposed Fifteenth Amendment which specifically gave the right to vote to Black men.

Many white women, including Elizabeth Cady Stanton and Susan B. Anthony, felt they could not support an amendment which ignored women. They wanted voting rights to be extended to everyone. This caused a split within the Equal Rights Association, and alienated many Black women from the movement for women's rights.

In 1860 Susan B. Anthony and Elizabeth Cady Stanton organized the National Woman's Suffrage Association (NWSA), with the primary goal of getting an amendment added to the constitution which would give *all* women the right to vote. They were also very concerned about other women's issues. They wanted women to have the rights to inherit and own property, the right to attend college, the right to control the money they made if they held a paying job, and the right to custody of their children in divorce cases. They were also concerned about the terrible working conditions for women in the factories and textile mills.

That same year another organization was formed which had similar goals, but very different ideas about how to achieve them. This organization was called the American Woman's Suffrage Association. Its leaders were Lucy Stone and Julia Ward Howe. Lucy Stone had been one of the first women in the U.S. to attend college and, though married, to keep her maiden name. Julia Ward Howe was already famous for writing the words of "The Battle Hymn of the Republic." This organization was more conservative in its approach to winning the vote for women. Rather than seeking a constitutional amendment, they chose to work on referenda campaigns to get the right to vote within each individual state. They avoided involvement with other issues like property rights or working conditions. These two organizations worked independently for the next thirty years.

During the time of the centennial celebration of American independence and of the U. S. Constitution, a number of constitutional issues were raised by the NWSA in an attempt to secure a more

liberal interpretation of the Constitution which would include women as citizens with full rights, including the vote. When these attempts failed, the women's rights movement focused its energy on passage of a Constitutional amendment for woman's suffrage.

In 1890, the two suffrage organizations joined forces and became the National American Woman's Suffrage Association (NAWSA), with Elizabeth Cady Stanton as their president. The organization continued to work on both the passage of a constitutional amendment and state campaigns for the next 22 years. Other women's rights issues which had been central to the "National's" goals diminished in importance as all attention became focused on the suffrage issue.

Despite the merger of the two organizations, few suffrage victories were won before 1910. New leadership arose within the movement. New organizing ideas and strategies were devised which brought the suffrage issue to the forefront of public attention.

In 1916, Carrie Chapman Catt became president of the NAWSA. Her vision and organizational ability enabled her to bring the many disparate elements of the suffrage movement into a cohesive and unified national organization.

In 1917, Alice Paul and the Women's Party turned to the strategy for which they are best known: persistant, militant demonstrations in Washington, D.C. The Women's Party mounted a campaign of silent pickets in front of the White House. Their signs carried slogans such as "Mr. President, what will you do for woman's suffrage?" or "How long must women wait for liberty?"

By January of 1918, suffrage lobbyists and the demonstrators had convinced President Wilson to support the woman's suffrage amendment. The Nineteenth Amendment passed the House with exactly the 2/3 margin necessary, and, eighteen months later, it was passed by the Senate and sent to the states for ratification. Final approval came on August 26, 1920.

THE NINETEENTH AMENDMENT

Woman's Suffrage

(ratified August 26, 1920)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Discussion Questions

1. Discuss why it was more than 60 years after the ratification of the Constitution before women began organizing for political power. Issues to consider:

- What was the role of women in the family in the late 18th and early 19th centuries?
- What were the prevailing social attitudes regarding the proper behavior of women in public?
- What did the churches say about the proper role of women?
- Did women have access to education?
- What were the backgrounds of the women who first voiced demands for political rights? (see biographies p. 51)
- Were they similar in background to the women of today who are leaders in the current feminist movement?

2. Denied direct access to their government through voting, women organized a series of nonviolent, civil disobedient demonstrations. The purpose of these actions was to call to the attention of the government and the country the questionable legal status of women in the 19th century. The most notable was the protest at the centennial celebration of the Constitution. What nonviolent strategies would be effective today in calling attention to reforms that need to be made? How would they be effective?

3. Sarah and Angelina Grimke, Lucretia Mott, Susan B. Anthony, and Alice Paul were all Quakers. What aspects of Quaker beliefs tend to lead its adherents to social activism.

4. Today there are many national political organizations working on a wide range of social and political issues. They employ many techniques such as mass mailings, telephone banks, television advertisement, etc. to get their message out. Discuss the difficulty of organizing a nationwide political movement in an era that did not have telephones, television, radio, rapid mail service, and few national publications. What methods did the suffrage movement use to get their message to the public?

Suggested Activities:

1. Many Black women were involved in the Abolitionist, Woman's Suffrage and Temperance Movements. Particularly noteworthy were Harriet Tubman, Frances Ellen Watkins Harper, Mary Ann Shadd Cary, and Ida Wells Barnett. Find out more information about the lives and work of one or more of these women.

2. Find out what your local newspapers said about the Suffrage Amendment when it was finally ratified on August 26, 1920? Ask someone familiar with local history what impact women getting the vote had in your community?

Document

DECLARATION OF SENTIMENTS

Seneca Falls, New York 1848

The convention in Seneca Falls on July 19, 1848 marked the official beginning of the women's rights movement. After much consideration about how to express women's dissatisfaction with their status in society, Elizabeth Cady Stanton decided to use the Declaration of Independence as a model. Here is what she wrote.

When in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident; that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experiences hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they were accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object even as a design to reduce them under absolute despotism, it is their duty to throw off such government and to provide new guards for their future security. Such has been the patient sufferance for the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man and toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let the facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formulation of which she has no voice.

He has withheld from her rights which are given to the most ignorant and degraded men - both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband. He becoming, to all intents and purposes, her master -- the law giving him power to deprive her of her liberty and to administer chastisement.

He has so framed the law of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women--the law, in all cases, going on the false assumption of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

He allows her in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry and with some exceptions from any public participation in the affairs of the Church.

He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society are not only tolerated but deemed of little account in men.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

He has endeavored in every way that he could to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent life.

Now, in view of this entire disenfranchisement of one half of the people of this country, their social and religious degradation--in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the state and national legislatures and endeavor to enlist the pulpit and the press in our behalf. We hope this convention will be followed by a series of conventions embracing every part of the country.

Firmly relying upon the final triumph of the Right and the True we do this day affix our signatures to this declaration.

Lucretia Mott
Harriet Cady Eaton
Margaret Pryor
Elizabeth Cady Stanton
Eunice Newton Foote

Assignment

1. Make a list of at least 10 specific complaints the women mention in their declaration.

2. Make a list of at least 10 complaints that women today have about the way that they are treated. (e.g. in employment, housing, etc.)

3. Compare the two lists. How are they different? How are they the same?

STONE AND BLACKWELL MARRIAGE CONTRACT

Lucy Stone, an important leader in the women's rights movement, and Henry Blackwell, an abolitionist activist, were married on May 1, 1855. Lucy Stone had never planned to marry because she was determined to keep the legal rights she held as a single woman. After a three year courtship, Henry Blackwell convinced her that their marriage would be an equal partnership.

To bypass existing legal channels they wrote their own marriage contract. In doing so, they followed in the tradition begun by Mary Jane Robinson and Robert Dale Owen when they married in 1832.

"While acknowledging our mutual affection by publicly assuming the relationship of husband and wife, yet in justice to ourselves and a great principle, we deem it a duty to declare that this act on our part implies no sanction of, nor promise of voluntary obedience to such of the present laws of marriage, as refuse to recognize the wife as an independent, rational being, while they confer upon the husband an injurious and unnatural superiority, investing him with legal powers which no honorable man would exercise, and which no man should possess. We protest especially against the laws which give to the husband:

1. The custody of the wife's person.

2. The exclusive control and guardianship of their children.

3. The sole ownership of her personal property, and use of her real estate, unless previously settled upon her, or placed in the hands of trustees, as in the case of minors, lunatics, and idiots.

4. The absolute right to the product of her industry.

5. Also against laws which give to the widower so much larger and more permanent an interest in the property of his deceased wife, than they give to the widow in that of her deceased husband.

6. Finally, against the whole system by which "the legal existence of the wife is suspended during marriage," so that in most states, she neither has a legal part in the choice of her residence, nor can she make a will, nor sue or be sued in her own name, nor inherit property.

We believe that personal independence and equal human rights can never be forfeited, except for crime, that marriage should be an equal and permanent partnership, and so recognized by law; that until it is so recognized, married partners should provide against the radical injustice of present laws, by every means in their powers.

We believe that where domestic difficulties arise, no appeal should be made to legal tribunals under existing laws, but that all difficulties should be submitted to the equitable adjustment of arbitrators mutually chosen.

Thus reverencing law, we enter our protest against rules and customs which are unworthy of the name, since they violate justice, the essence of all law."

Excerpted from:
Loving Warriors: Selected Letters of Lucy Stone & Henry Blackwell, 1853-1893, Leslie Wheeler, ed.

Review Questions

1. List five objections Lucy Stone and Henry Blackwell had to the rules and customs of marriage.
2. List those customs that still exist today.

Assignment

Write an example of an equitable marriage contract for today.

A TIME OF PROTEST

Following passage of the Fourteenth and Fifteenth Amendments, women didn't mourn their betrayal by the politicians -- they organized. The decade of the 1870s saw an explosion of feminist activity. Civil disobedience was the central action. It was against the law for women to vote -- they voted. Some, like Susan B. Anthony, insisted on casting a ballot and were arrested. Others, like Virginia Minor of Missouri and Ellen Van Volkenberg of California, insisted on registering, were denied, and brought lawsuits against the registrars who refused them. The idea of civil defense spread like a prairie fire across the country. From Maryland to Washington Territory, from Fayetteville, New York to South Newbury, Ohio, women tried to exercise their right to vote. These were, of course, not isolated acts. By 1870, the suffragists had two national organizations, with state and local chapters organizing activities. The radical group, the National Woman Suffrage Association, adopted direct action confrontation as a tactic, and a constitutional amendment as a goal. The more conservative American Woman Suffrage Association used tactics of expediency, and worked for suffrage state-by-state.

The radical suffragists staged public protests. They illegally presented a Declaration of Rights of Women at the centennial celebration in Philadelphia on July 4, 1876. They risked arrest, they said, "for the daughters of 1976," so they would know that "their mothers of 1876 had thus asserted their equality of rights, and thus impeached the government of today for its injustice towards women."

Ten years later, when the Statue of Liberty was unveiled, the New York Woman Suffrage Association (a branch of the NWSA) chartered a steamer and, protest banners flying, joined the three-mile-long aquatic parade which circled Bedloe's Island during the unveiling ceremony on the afternoon of October 28, 1886. "It is the greatest sarcasm of the 19th century," they said, to represent liberty as a woman, "while not one single woman throughout the length and breadth of the Land is as yet in possession of political Liberty."

When the centennial of the Constitution was celebrated in 1887, they once again protested the fact that women continued to be "voiceless and unrepresented," while looking forward to a time in the country when "there shall be no longer a cruel and unwarranted discrimination against any class of our citizens."

Excerpted from *A Time of Protest: Suffragists Challenge the Republic, 1870-1887,* Dr. Sally Roesch Wagner

Document

PROTEST

AGAINST THE UNJUST INTERPRETATION OF THE CONSTITUTION PRESENTED ON BEHALF OF THE WOMEN OF THE UNITED STATES BY OFFICERS OF THE NATIONAL WOMAN SUFFRAGE ASSOCIATION

To the President of the United States, the Governors of the States, and other Federal and State Officials, on the occasion of the Constitutional Centennial in Philadelphia, September 17th, 1887.

Rejoicing as dwellers in this favored land that the noble series of celebrations in commemoration of the birth of a mighty nation have been fittingly brought to a conclusion by the ceremonies of this day, we yet cannot allow the occasion to pass without reminding you that one-half the people who obey the laws of the United States are unjustly denied all polace or part in the body politic. In the midst of the pomps and glories of this celebration women are only onlookers, voiceless and unrepresented.

This denial of our chartered rights, this injustice of which we complain, is inflicted in defiance of the provisions of the Constitution you profess to honor. When we examine that instrument we find it is declared in the Preamble that it was: *"Ordained and established by The People of the United States."* One-half of the people of the United States are women, yet they are allowed no voice, direct or indirect, in framing this Constitution or executing its provisions. We protest therefore that the words of the Preamble have been falsified for a hundred years.

We find it declared in Art. I, Sec. 2, that *"The House of Representatives shall be composed of members chosen by the people."* One-half of the people of every State are women and yet they have never been permitted to choose the members of the House of Representatives. We protest therefore that this important provision of the Constitution has been shamefully violated and that the denial to women of the right thus plainly secured to them, has been a grievous wrong.

We find that in Art. IV, Sec. 2, it is declared: *"The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several states."* The Supreme Court of the United States has ruled that women are citizens, and yet these millions of citizens are denied the privilege of the ballot, which is throughout the land granted to male citizens and refused to female citizens. We protest therefore that in thus denying to women the exercise of the elective franchise, the fundamental rights of citizenship are witheld in defiance of a direct provision of the Constitution.

We find that in Art. IV, Sec. 4, it is declared that: *"The United States shall guarantee to every state in the Union a Republican form of Government."* A Republic is defined as *"a state governed by representatives elected by the citizens."* One-half of the citizens of every state are women; they have never been permitted to elect the officials who have ruled over them. We protest therefore that the provisions of this article have never been fulfilled, that not a solitary state in the Union has a Republican form of Government. But, that on the contrary, each and every one is a despotism under which one-half the citizens are held in a condition of political slavery.

The recital of these facts is the summary of a century of injustice. We solemnly and earnestly protest against its continuance, and demand that hereafter the Constitution of these United States shall be interpreted in accordance with the simple words in which it is framed. That there shall be no longer a cruel and unwarranted discrimination against any class of our citizens, but that in the future all the people of the nation shall have an equal voice in choosing the rulers whose high mission it shall be to guide a true Republic on its course of glory.

On behalf of the National Woman Suffrage Association,
Susan B. Anthony, N.Y., Acting President
Matilda Joslyn Gage, N.Y., Vice-President-at-Large
Rachel G. Foster, Pa., Corresponding Secretary
Mary Wright Sewall, Ind., Chairman Executive Committee
Lillie Devereux Blake, N.Y., Vice-President for New York, Chairman
Presentation Committee

-- This document was rediscovered and published by Sally Roesch Wagner

THE EQUAL RIGHTS AMENDMENT

When the Nineteenth Amendment was finally ratified, giving women citizens of the United States the right to vote, most suffragists were elated with their victory. But Alice Paul knew that this was not the end of the struggle for equality for women. Although she could not predict the modern considerations of credit discrimination and sexual harassment for women, she was well aware of the issues of discrimination in wages, divorce, child custody and even the right of married women to retain their birth names, which continue today.

In 1923, she wrote an Equal Rights Amendment which she hoped would ensure women full equality under the law. It was introduced into Congress a few years later, but made little progress. Fifty years later, during the height of the women's movement of the 1970's the Equal Rights Amendment finally passed Congress and was sent to the states for ratification. Modeled after the Anthony Amendment, it read, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

The Equal Rights Amendment was written to provided a comprehensive vehicle for ending sex discrimination throughout the country. Its passage would have gradually promoted legal uniformity in the treatment of females regardless of which state they lived in by guaranteeing women equal protection under the federal Constitution. The ERA would have affected state and federal laws that treat women and men differently. The enforcement powers of the law were not directed toward private citizens.

The National Organization for Women, a civil rights organization for women, and many other national organizations mounted massive campaigns in those states which were hesitant to ratify the Amendment. Opposition to the Amendment arose from conservative organizations which argued that women would be drafted, women could not receive alimony, and that women would no longer be protected by the law.

When the final deadline for ratification came in June of 1982, the ERA had failed by just three states to secure full equality for all women in the United States Constitution.

EQUAL RIGHTS AMENDMENT

Section 1. Equality of Rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. Congress shall have power to enforce this legislation with appropriate legislation

Discussion Questions

The issues that women are working and lobbying for today have generated a great deal of debate and controversy. Select any of the following for discussion or debate.

1. Alice Paul believed that the vote alone would not ensure women equality under the law. The Equal Rights Amendment was proposed to eliminate discriminatory laws. Why is such a constitutional amendment needed? What kinds of discriminatory laws exist today? Do women in some states have more rights than women in others states? How would passage of the ERA remedy this situation?

2. Many of the arguments made against woman's suffrage are still heard today in relation to the Equal Rights Amendment and other women's rights issues. These include: biblical arguments that woman is ordained by God to be subjugated to man, the need for laws to "protect" women from the harsh realities of life, damage that might be done to women's femininity or child-rearing ability if women were to be politically active, and the notion that women currently have a position in society that is superior to men which would be foolish for them to give up. Discuss the merits of these and other arguments used against woman's suffrage and/or the Equal Rights Amendment.

3. In national opinion polls, the ERA consistently receives a 65-70% "yes" vote. Why do you think it was not ratified by enough state legislatures to become an Amendment to the Constitution?

4. Should men and women alike be granted paternity/maternity leave after the birth of a child? If so, for how long? If not, why not? Should they be paid during this time? What other countries grant this type of leave?

5. What are reproductive rights? Are they protected under the civil rights guaranteed by the Constitution? Explain.

6. What is sexual harassment? Does the Constitution guarantee your right not to be sexually harassed? Explain.

WOMEN AND THE SUPREME COURT

The Supreme Court began interpreting the meaning of the Constitution with the case of Marbury v. Madison in 1803. Since that time the Court has heard hundreds of cases to determine whether local, state or federal laws are constitutional. Legal precedent, either established by legislation or by the Court, is the basis for these decisions. In considering women's rights, the Court has been slow in establishing precedents that would expand women's legal rights.

After the Civil War, when women brought suit under the Fourteenth Amendment, the Court classified women as other than full citizens by ruling that states could grant men the right to vote and at the same time deny women the right to vote. (Minor v. Happersett, 1875).

In the late 19th century, the Supreme Court defined both the roles of men and women with a decision that read, *"God designates the sexes occupy different spheres of action... It belongs to man to make, apply and execute the law. "The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life."* (Bradwell v. Illinois, 1873)

By the early 20th century, with women's increasing emergence into the labor market and the ever growing movement for women's rights, the Court's attitude changed. At that time, the Court, acknowledging that women were working outside the home, upheld the rights of states to enact protective legislation to protect women from unsafe labor practices. With the passage of the 19th Amendment, in 1920, granting women the right to vote, women gained more political and legal rights. Still, it wasn't until 1971 that the Court finally recognized women as full citizens, striking down for the first time the precedent that men should automatically be given positions of authority (Reed v. Reed, 1971).

Even so, there continue to exist today many state and federal laws which discriminate against women. It is the responsibility of the Court to decide the constitutionality of these laws. To determine whether or not governmental discrimination is legal the Court uses a variety of tests. If a law makes a distinction between people on the basis of their race, ethnic background, or national origin, the Court uses what is called a "strict scrutiny" test. The Court will also apply "strict scrutiny" if the law involves a fundamental right of citizenship such as voting or the freedom of speech or religion.

When "strict scrutiny" is applied to a case, the state must prove that it has a "compelling" interest or reason for using race or one of the other categories as a basis for discrimination. Such an interest is extremely difficult to prove, so if the Court decides to use this test, it is very likely that the action in question will be struck down as unreasonable discrimination.

Even though women have been discriminated against throughout United States history, the Supreme Court has not yet extended the standard of "strict scrutiny" to cases in which distinctions are made on the basis of sex. Instead, the Court applies a lesser standard. Rather than a "compelling state interest," laws, policies or practices which discriminate against women need only have "a substantial relationship to important government objectives." This definition is about half-way between "strict scrutiny" and the Court's minimum standards.

In practical terms, the Court's refusal to apply "strict scrutiny" to sex has permitted many kinds of discrimination against women. No one in the country will be fully protected from discrimination based on sex unless the Court changes its stand or the Constitution is amended. Until then, unequal treatment based solely on a person's gender is illegal only if it is determined to have violated the Equal Protection clause of the Fourteenth Amendment or if it is prohibited by a specific law.

BRADWELL v. ILLINOIS

Supreme Court of the United States, 1873

In 1868, Myra Colby Bradwell (1831-1894) founded the Chicago Legal News, a weekly legal newspaper. Although successful from the beginning, she was only able to become president of the publication because her husband's influence won her a special charter -- in spite of prohibitive laws against married women. More than just a publisher, Myra Bradwell was also instrumental in developing legal opinion. She urged zoning ordinances in the city of Chicago, the formation of legal bar associations and the compulsory retirement of judges.

Myra Bradwell passed the Illinois bar examination in 1869, but she was denied the right to practice law because she was married. (Her husband, James B. Bradwell, was a judge.) The Illinois Supreme Court upheld the bar's refusal and based its argument on Blackstone's idea that a married woman was not competent to perform such duties as making contracts, which an attorney would have to do. None of the judges addressed the reality that Mrs. Bradwell had been making contracts and acting in other official legal capacities as president of a publishing company in Illinois. Myra Bradwell appealed to the United States Supreme Court.

Decision: Bradwell v. Illinois

Bradwell's attorney argued that:

- Law should be a profession open to everyone - like the clergy or medicine - and a class of citizens could not be excluded.
- He argued that if a "colored citizen" could buy or sell land or be admitted to the bar, the same should be true for a woman.
- The Fourteenth Amendment opens to every citizen of the United States, male or female, Black or white, married or single, the employments of life.
- Integrity, intelligence and honor (and other qualifications prescribed by the legislature) should be the only conditions for bar membership.

The judge, Justice Miller, asserted that the opportunity to enter the legal profession, if it is a "privilege or immunity" of citizenship, pertains only to state citizenship. The justice explained that the Fourteenth Amendment protects only the privileges and immunities of national citizenship, and because the opportunity to become a lawyer does not fall into that category (practice before *federal* courts was not directly at issue here), Mrs. Bradwell could not have recourse under the Fourteenth Amendment.

Another justice, Bradley, concurs with Miller's decision, but his opinion did even greater damage to Bradwell's position. He held this opinion:

Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong or should belong to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband. So firmly fixed was this sentiment in the founders of the common law that it became a maxim of that system of jurisprudence that a woman had no legal existence separate from her husband, who was regarded as her head and representative in the social state.

He conceded that many women were unmarried and not affected by any of the duties, complications and incapacities arising out of the married state, but these were exceptions to the general rule. *"The paramount destiny and mission of women [was] to fulfill the noble and benign offices of wife and mother."* According to Bradley, the law should reflect this divine "decree."

Discussion Questions

1. Explain how the Bradwell v. Illinois decision was detrimental to women.
2. What is inferred about the natural state of woman and the natural state of man from the decision?
3. What did Bradley mean by divine "decree"?
4. What kind of precedent would be set from this type of decision?
5. If you were the lawyer, how would you have argued the case for Myra Bradwell?

MULLER v. OREGON

Supreme Court of the United States, 1908

In 1903, the Oregon state legislature passed an act which read:

Sec. 1: That no female (shall) be employed in any mechanical establishment, or factory, or laundry in this state more than ten hours during any one day.

In September of 1905, the defendant, Muller, owner of a laundry, was charged with violating this statute by requiring a female, Mrs. E. Gotcher, to work more than 10 hours a day. The trial court upheld the statute and fined Muller $10. The state supreme court affirmed the conviction.

The defendant, laundry-owner Muller, appealed to the United States Supreme Court and argued:

- Persons should be allowed to make their own contracts and if this statute forbids this, it violates the 14th Amendment.
- The statute discriminates against a class because it does not apply to all persons similarly situated.
- Supposedly it is the law of Oregon that women, whether married or single, have equal contractual and personal rights with men.

Decision: Muller v. Oregon

The United States Supreme Court upheld the Oregon statute. A summary of Justice Brewer's most significant arguments follows:

- Women are properly placed in a class by themselves and "...legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained."
- Because of a woman's physical structure and the functions she performs, special legislation restricting or qualifying the conditions under which she should be permitted to work are justified.
- Society, as a whole, has an interest in women producing healthy offspring and medical testimony supports the idea that this may be threatened by long working hours, day after day.
- Though women have become equal in many ways with men, "...legislation to protect her seems necessary to secure a real equality of rights..."

Discussion Questions

1. List the pros and cons of protective legislation.
2. Why would someone support it?
3. Why would someone argue against it?
4. Do protective legislation laws exist in your state? Do they exist on the federal level? Why or why not?
5. Does protective legislation help or hinder women?

FRONTIERO v. RICHARDSON

Supreme Court of the United States, 1973

Congress was trying to attract career personnel, through reenlistment, to the uniformed services. Consequently, a law was passed offering a member of the uniformed services with dependents an increased "basic allowance for quarters" and comprehensive medical and dental care to a member's dependents.

Sharron Frontiero, a lieutenant in the United States Air Force, sought increased quarters allowances, and housing and medical benefits for her husband, Joseph, on the grounds that he was her dependent. Such benefits would automatically have been available to the wife of a male member of the military. Ms. Frontiero, however, could not prove that her husband was dependent upon her for one-half of his support, so he was denied the benefits. The District Court for the Middle District of Alabama upheld the constitutionality of the provisions of the statute. Frontiero appealed to the United States Supreme Court, contending that a wife's necessity to prove "dependency" discriminates on the basis of sex in violation of the Due Process Clause of the Fifth Amendment.

(Note: While the Fifth Amendment contains no equal protection clause, courts have concluded that it does forbid discrimination that is "so unjustifiable as to be violative of due process.")

Decision: Frontiero v. Richardson

The United States Supreme Court heard the case and reversed the decision of the lower court. The plurality of the Court discussed *"our nation's ... long and unfortunate history of sex discrimination."* It also noted that, in the past decade, Congress has manifested an increasing sensitivity to sex-based classifications, i.e., Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963 and the Equal Rights Amendment passed by Congress in 1972 and submitted to the legislatures of the states for ratification.

The Court concluded:

"With these considerations in mind, we can only conclude that classifications based upon sex, like classifications based upon race, alienage or national origin, are inherently suspect, and must therefore be subjected to strict judicial scrutiny. Applying the analysis mandated by that stricter standard of review, it is clear that the statutory scheme before us is constitutionally invalid."

(Note: If the plurality opinion in the Frontiero case had garnered just one more vote, courts would have been obliged to treat sex classifications with as much suspicion as they now treat race classifications.)

What happened instead is very curious. In subsequent cases, the Court never said sex was a suspect classification. However, although it did not apply the "suspect" standard of review, it also did not apply the extremely lenient "rational basis" standard of review.

This case established the standard of review for classifications based upon sex as somewhere between the strict scrutiny standard and the rational basis standard.

Discussion Questions

1. Why was this ruling important in expanding women's legal rights?

2. What is the difference between "suspect standard of review" and "rational basis"?

3. The ruling implies that race classification is a "suspect standard of review" in all cases, which is not true for sex as a category. Why would they not both qualify as "suspect standard of review?"

4. What is the difference between how women are viewed in this case and how they are viewed in Bradwell v. Illinois?

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JOHNSON v. SANTA CLARA COUNTY

Supreme Court of the United States, 1987

In 1978, Santa Clara County in California enacted a voluntary affirmative action policy to correct the imbalance in the number of women and men who held skilled jobs (238 men, 0 women). The Santa Clara program set a temporary "goal" of filling 36% of its skilled jobs with women, as an attempt to achieve a workforce that mirrored, in its major job classifications, the percentage of women in the local labor market.

In 1980, Diane Joyce, a white female who had been a road crew worker for four years, applied for the skilled position of road dispatcher. Paul Johnson, a white male who had worked for the agency for 13 years, also applied. He and Joyce were among the seven applicants who scored above 70 on the oral exam and were considered qualified. Joyce scored 73, Johnson 75. The local supervisor picked Johnson, but the county's affirmative action coordinator recommended Joyce.

When Joyce got the job, Johnson sued under Title VII of the Civil Rights Act of 1964, which makes it unlawful for an employer "to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's race, color, religion, sex or national origin."

Decision: Johnson v. Santa Clara County

The United States Supreme Court, in a 6 to 3 decision, upheld the right of Santa Clara to design and implement an affirmative action program that was based on a "manifest imbalance" in the number of women or minorities holding the positions in question. In so doing, they allowed that the sex and race of an applicant could be considered in fulfilling affirmative action goals. The Court ruled that Santa Clara's employment goal of 36% did not violate Paul Johnson's rights, because it did not create an absolute bar to his employment.

For the first time the Court explicitly ruled that women and minorities can receive preferential treatment. This decision provides the clearest declaration yet on the role of affirmative action as a remedy for inequality in the American workplace.

Discussion Questions

Affirmative action policies have often been seen as controversial. Some have argued that changing previously accepted methods for hiring and promoting employees is unnecessary. Often employers have argued that the government should not be involved in deciding who they should hire. Others have argued that, unless a new policy is established, women and minorities will continue to have the lowest paying jobs and that it is the duty of government to help individuals overcome previous job discrimination.

1. List all the arguments you can think of that favor affirmative action. List all the arguments you can think of that oppose affirmative action. Discuss the differences. Which side do you think has the strongest arguments?

2. Is the government responsible for ensuring that no discrimination occurs in hiring and promoting employees?

3. Women, as a group, work in the lowest paying job classifications. How would affirmative action remedy this situation? What other action could help remedy this situation? Which would take the least amount of time to accomplish equity?

WOMEN AND THE CONSTITUTION
BIOGRAPHIES OF KEY FIGURES

ABIGAIL SMITH ADAMS
1744 - 1818

Abigail Smith was brought up in a rural society without formal education. She met John Adams, a lawyer and aspiring politician, when he came to her father's parsonage. By the time she was 18 they were writing love letters to each other. They were married in 1764. Throughout their marriage they continued to maintain a strong sense of equality while raising five children and running a farm.

In August of 1774, John became a delegate to the first Continental Congress in Washington, D.C. Abigail stayed in Massachusetts and managed their farm with a clear business sense. Their letters over the ten-year separation are a remarkable record of national history and of personal independence and respect. In one of these letters, Abigail cautioned John to "Remember the ladies and be more generous and favorable to them than your ancestors were." She spoke often about the need for equal education for girls and the evils of slavery.

Abigail spent five years in Europe with John when he was a representative in the Hague and in England. From 1789 to 1801, John was first the Vice President and then President of the new United States. Abigail moved between her life in Washington and managing their farm. Upon his retirement, they returned to farming together. Abigail continued her energetic letter writing. She wrote about issues she thought were important to the new government and maintained a strong political influence.

Notable American Women, Vol. I, p. 6.

SUSAN B. ANTHONY
1820 - 1906

Susan B. Anthony's Quaker upbringing taught her that women and men are equal in God's sight. She spent her life trying to realize this equality for American women. She worked as an abolitionist and a temperance leader, later as a participant in the movement to grant women child custody and property rights. Eventually she put all of her extraordinary energies and abilities into the suffrage movement. With Elizabeth Cady Stanton, she organized the National Woman's Suffrage Association, edited a newspaper, and traveled throughout the country lecturing and organizing for woman's suffrage.

In an act of civil disobedience, Anthony voted in the election of 1872. She was arrested and brought to trial. Although she was found guilty, she refused to pay the fine, hoping for imprisonment and an opportunity to take the case to the Supreme Court. However, the judge failed to pursue the verdict, and her case was dropped. Anthony was also one of the instigators of the demonstration at the 1876 centennial celebration, where a Declaration of Rights was presented to public officials, and of the protest against the Constitution at its centennial in 1887. The Nineteenth Amendment, which was finally passed in 1920, was often called the "Anthony Amendment," in tribute to the tireless work of this great crusader.

Notable American Women, Vol. I, p. 51;
Her Way, p. 15.

CARRIE CHAPMAN CATT
1859 - 1947

Carrie Lane was born in Wisconsin and grew up in an atmosphere strongly influenced by the frontier; from childhood, she demonstrated her independence and ability to do almost anything. Her first husband died within a year of their marriage and she later married an old college friend, George Catt, a liberal-minded civil engineer. The couple signed a pre-marriage agreement which entitled Carrie to spend four months of each year doing full-time organizing for the women's movement.

In 1895, she convinced the National American Woman's Suffrage Association (NAWSA) to establish an Organization Committee to direct its field work, with Catt as chair. Her efforts were greatly successful and this work helped develop her brilliant organizing strategies and public speaking abilities. She succeeded Anthony as president of the organization in 1900, but had to resign in 1904 because of her husband's ill health. However, she left the organization in better shape, financially and organizationally, than it had ever been. When George Catt died in 1905, Carrie was financially independent and able to devote her full energy to the woman's suffrage campaign.

Catt then became active in the International Suffrage Association and became the director of the New York State Suffrage Association. In 1916, she again took over presidency of the NAWSA, devising the organizing plan which would bring the long campaign to victory. She continued her work for international suffrage after the vote was won in this

country and also became deeply involved in the International Women's Peace Movement.

Notable American Women Vol. I, p 310.

ANGELINA GRIMKE
1805 - 1879

Angelina was raised in a large and wealthy slave-holding family in South Carolina. She was educated by a private tutor. At a young age, she realized that slavery was wrong and wanted to do whatever she could to end it. In 1829, she left Charleston to join her older sister, Sarah, in Philadelphia where she became a Quaker. She wrote *An Appeal to the Christian Women of the South*, in 1836, asking that they begin working to end slavery. She and Sarah began to hold meetings for small groups of women in churches telling them about the atrocities of slavery.

In 1837, she and Sarah, traveled throughout New England addressing crowds of both men and women. Women speaking in public were considered ungodly, and she was condemned by some churches and often by the press. That same year, she testified before the Massachusetts legislature about abolition petitions. She was the first woman to speak before a state legislature and her speech generated much public controversy.

Angelina married an abolitionist, Theodore Weld, in 1838. They had three children. She gave up public speaking after an angry mob burned down the hall in which she had just been speaking. She and Theodore, along with Sarah, established several schools in which they taught. She continued her work for justice throughout her life.

SARAH GRIMKE
1792 - 1873

Sarah was the sixth of fourteen children born to a wealthy South Carolina slaveholding family. She longed for more education and rebelled against Southern antebellum society. In 1819, she accompanied her father on a trip to Philadelphia for his health. He died during the trip, but Sarah decided to stay and eventually became a Quaker. Her sister Angelina later joined her.

Sarah was fearless in speaking out against the atrocities of slavery. When she was not allowed to speak in religious meetings, she began to do public speaking for the abolitionist movement. It was against the custom of the day for women to speak publicly and she was criticized severely for doing so. She responded by writing *Letters on the Equality of the Sexes and the Condition of Women*, a statement about women's rights. Her popularity grew and thousands of people started coming to hear her and her sister, Angelina, speak about the need to end slavery.

Sarah and Angelina compiled and published reports about slavery from Southern newspapers. These reports influenced Harriet Beecher Stowe's book, *Uncle Tom's Cabin*. Sarah lived with Angelina for the rest of her life, often helping her care for the children.

Notable American Women, Vol. II, p. 97.

FRANCES ELLEN WATKINS HARPER
1825 - 1911

A free Black in the slave state of Maryland, Frances was orphaned at an early age, raised by her uncle and educated in the school he had founded. There she developed her love of learning, appreciation for hard work, moral uprightness and freedom. In 1856, she became one of the first Black women lecturers in the U.S., traveling throughout the North delivering her abolitionist message and reciting her own anti-slavery poems in a dignified, straightforward manner.

After the Civil War, she continued to write and lecture in the interest of Blacks. She denounced white racial violence and spoke of the need for education and temperance for all races. In her later years, she devoted much of her time to the National Women's Christian Temperance Union and was a strong advocate of women's rights.

Notable American Women, Vol II, p. 137.

LUCRETIA COFFIN MOTT
1793 - 1880.

Lucretia Mott was born into a family with seven children in Nantucket, Massachusetts. Her father was a sea captain, and her mother managed a shop selling East Indian goods. In 1804, the family moved to Boston where Lucretia's father became a merchant. Lucretia attended both public and private schools, including a Quaker boarding school in New York state. After two years there she was made an assistant teacher, but she received no salary.

The Coffins moved to Philadelphia in 1809. In 1811, Lucretia married James Mott. Even though Lucretia soon became busy raising six children, her husband supported her growing interest and activities in Quaker ministry, abolition, and women's rights.

Lucretia emerged as an important leader within the liberal branch of the Quakers. Working with free Black women in Philadelphia, she helped found the Philadelphia Female Anti-Slavery Society. She worked fearlessly for the abolition of slavery, encouraging the boycott of all goods produced by slave labor and hiding escaped slaves in her home. She traveled throughout New England speaking out against slavery. During her speeches she was often threatened by mobs.

In 1840, she was one of the few women delegates chosen to attend the Anti-Slavery Convention in London. When she arrived at the convention, she was not allowed to speak publicly or to sit with the men. At the convention she met Elizabeth Cady Stanton, with whom she organized the 1848 Seneca Falls Convention. Until her death in 1880, Lucretia continued to work vigorously for religious freedom, women's rights, and better conditions for emancipated Blacks.

Notable American Women, Vol. II, p. 592.

ALICE PAUL
1885- 1977

Born into a well-to-do Quaker family in New Jersey, Paul attended Quaker schools, went to Swarthmore College, and trained as a social worker on New York's lower east side. She later went to England, studied at the London School of Economics, worked as a social worker in the East End, and became involved with the militant activities of the Pankhursts' suffrage group, the Women's Social and Political Union.

When she return to the U.S. in 1910 to finish her Ph.D, she took charge of the Congressional Committee of the National American Woman's Suffrage Association. Influenced by the direct action tactics of the British suffragists, Paul soon broke with the NAWSA to form the Congressional Union, which later became the Woman's Party. She organized a massive demonstration in Washington D. C., the day before President Wilson's inauguration, which brought the suffrage issue to the forefront of public attention. Her strictly nonviolent program -- parades, picketing, and burning President Wilson's words on democracy -- resulted in jailing, hunger strikes, and forced feedings. They also resulted in victory for the suffrage amendment in 1920.

Alice Paul was one of the few suffrage organizers who fully realized that the vote alone would not grant women full equality in our society. In 1923, she drafted the first Equal Rights Amendment and attempted to have it introduced by sympathetic legislators. Paul remained active in women's rights issues until her death in 1977.

Century of Struggle, p. 272;
Famous American Women, p. 319.

ELIZABETH CADY STANTON
1815 - 1902

Elizabeth Cady was the daughter of a New York judge, and learned early that laws prevented women from having any right over their children and property. She married Henry Stanton, an abolitionist, and accompanied him to the World Anti-Slavery Convention in London in 1840. It was there that she met Lucretia Mott. The two women became good friends, and together they planned the first women's rights convention, held in Seneca Falls, New York, in 1848.

For the next fifty years Stanton closely collaborated with Susan B. Anthony to organize the women's rights movement, publish a newspaper, and to lecture throughout the nation. She endorsed reform of divorce laws, property rights for married women, and women's dress reform, wrote prolifically and eloquently on many subjects, and lectured throughout the country on these topics. Although the demands of her home and her seven children sometimes kept her from playing an active role in the organizational part of the women's suffrage movement, her intellectual influence was constantly felt through her brilliant writing and speeches. With Matilda Gage and Susan B. Anthony she wrote three volumes of *History of Woman Suffrage*, and in her *The Woman's Bible* she interpreted the Bible from a nonsexist perspective.

Her Way, p. 266

SOJOURNER TRUTH
c.1797 - 1883

Isabella was born a slave in Ulster County, New York. Little is known about her early life, except that she claims to have had conversations with God. She had five children by a slave named Thomas. Two of her girls were sold away from her. In 1828, New York passed an Emancipation Act which set her free. Isabella sued to regain a son who had been illegally sold to an Alabama slaveholder and won him back.

In 1843, Isabella's religious visions led her to take the name of Sojourner Truth and become a preacher. She traveled extensively and lectured about abolition

and women's rights. An eloquent speaker, she often shared the platform with Frederick Douglass.

At the outbreak of the Civil War, she gathered supplies for the Black regiments. In October of 1864, Abraham Lincoln received her in the White House. She acted as counselor for the National Freedman's Relief Association, an organization which worked to give aid and improve conditions for freed Blacks.

After the Civil War, she continued to lecture for women's rights and for western settlement for Blacks.

Notable American Women, Vol. III, p. 479; Famous American Women, p. 417.

HARRIET TUBMAN
1820 - 1913

Araminta Greene was born a slave on a plantation in Dorchester County, Maryland. Both her mother's and father's parents had been brought to the colonies in chains from Africa. Araminta later took her mother's name, Harriet. She worked at all sorts of heavy labor on the plantation. When she was 13, she received a severe blow to the head from an overseer. Although Harriet was able to recover from the initial injury, she suffered from uncontrollable spells for the rest of her life that would cause her to suddenly fall asleep.

In 1844, she married a freeman named John Tubman. In 1849, Harriet's owner died. She heard rumors that all the slaves might be sold. Harriet escaped to Philadelphia. By December of 1850, she returned to the South, despite severe danger if captured, to lead her sister and her two children to safety in the North. She returned for her brothers and their families on other trips. On one trip she hoped to convince her husband to go north with her, but he had remarried and refused to leave. On another trip she was able to rent a wagon and escape with both of her elderly parents.

Her commitment to helping slaves escape quickly grew beyond family bonds. Harriet made over nineteen trips to Maryland and helped over 300 slaves to escape. She became known as "Moses" for her daring and courageous work through the Underground Railroad. Rewards were offered for her capture, totalling over $40,000.

In 1858, she bought a small farm near Auburn, New York, where she and her parents lived. During the Civil War, she served as a spy and scout for the Union Army in South Carolina. Harriet singlehandedly captured a band of rebel soldiers during this time. Harriet supported the establishment of Freedman's Schools and suffrage for women and Blacks. After the war, she founded the Harriet Tubman Home for Indigent Aged Negroes to take in orphans and elderly Blacks.

Notable American Women, Vol. III, p. 481; Famous American Women, p. 417.

FRANCES WILLARD
1836 - 1898

Frances was born in New York, and raised on the sparsely populated Ohio frontier. After graduating from college, she became a teacher and later was appointed president of Evanston College for Ladies, making her the first female college president in the U.S. In 1874, she resigned from her academic career and became involved with the Women's Christian Temperance Union (WCTU), an organization which was growing rapidly throughout the Midwest. In 1879, she became president of the National WCTU and began a program to expand the focus of that huge organization to include involvement in the woman's suffrage campaign and other reform issues.

In the name of "home protection" Willard led over 200,000 women into involvement in politics and community issues affecting the lives of their families. She headed the WCTU for twenty years, and became one of the best known and most loved women in the U. S. When she died, over 20,000 people filed past her casket as she lay in state at the Women's Temple in Chicago.

Notable American Women, Vol. III, p. 613.

WOMEN AND THE CONSTITUTION RECOMMENDED RESOURCES

Colonial Women

DAUGHTERS OF LIBERTY - Play
Donna Wilshire, Tower Press, 1985
The American Revolution from the point of view of 17 historical women and their personal struggles for liberty. Rousing, spellbinding, funny, and tragic. Stories from courageous frontier fighters like Mad Annie Trotter and Nancy Hart; remarkable slaves like Phillis Wheatley and Elizabeth Freeman; brave girls like Deborah Sampson and Sybil K. Ludington; Nanye'Hi, "Beloved Woman" and Chief of the Cherokee Nation, and others. For a cast of six women; 2 acts, 1-1/2 hours. Grades 9-Adult, 55 pages, paper.

*** FOUNDING MOTHERS: WOMEN OF AMERICA IN THE REVOLUTIONARY ERA**
Linda Grant DePauw, Houghton Mifflin Co., Boston, 1975
The true lives and crucial work of Afro-American, Euro-American and Native American women of all social classes are examined in this absorbing book. The text is well-punctuated with excerpts from newspapers, books and diaries of the period, offering readers a wealth of fascinating details from the lives of our nation's foremothers. Grades 7-12, 228 pages, cloth.

"MARY KATE'S WAR" - video
National Geographic, 1975
True story of Mary Katherine Goddard, a Baltimore printer and postmistress whose press is wrecked by a mob when she refuses to divulge the source of a satirical letter suggesting acceptance of a British peace proposal. Grades 8-12, 16mm or video, 24 min., color.

"PATRIOTS IN PETTICOATS"
National Geographic, October 1975
Good article about women in the Revolutionary War period with colorful pictures used to illustrate the story. Excellent resource for a bulletin-board display.

*** WOMEN IN COLONIAL AND REVOLUTIONARY AMERICA, 1607-1790**
Bonnie Eisenberg, Mid-Atlantic Equity Center, 1989
Explores the differences and similarities between European, Native American, and African-American women during the colonial period, and profiles ten women from those groups. Grades 6-12, 36 pages, paper.

REPUBLICAN MOTHERS: WOMEN IN THE REVOLUTION
J. Diane Cirksens, Project Director,Women in American Culture, 1400 S. Division, Northfield, MN 55057
Excellent resource for teaching about colonial America. Good overview, primary resource materials, brief biographies and extensive bibliography. Grades 8-12, 44 pages, paper.

The Constitution

WOMEN AND THE CONSTITUTION - curriculum
The Carter Center of Emory University
One Copenhill, Atlanta, GA 30307
Attn: Women and the Constitution
An excellent, four-part curriculum for secondary students or adults. Includes text, teacher's guide, keynote addresses and speeches, and scholarly papers. Available as a set or individually. Grades 9-Adult.

WOMEN, POLITICS AND THE CONSTITUTION
Naomi B. Lynn, editor, Harrington Park Press, New York, 1990
Spans the history of the constitution, beginning with consideration of an early female writer and patriot, Mercy Otis Warren, and ending with an analysis of contemporary amendments to state constitutions. Several of the essays which deal with historical questions provide new insights into the tensions between women's demands for rights and other political forces in society. Grades 9-Adult, 150 pages, paper.

Women's Rights

*** CENTURY OF STRUGGLE: THE WOMAN'S RIGHTS MOVEMENT IN THE UNITED STATES**
Eleanor Flexner, Atheneum, New York, 1974
This pioneering work on the history of women in the United States begins with the colonial and revolutionary periods and traces the first women's movement to the enactment of the woman suffrage amendment in 1920. 384 pages, paper.

DEBATE AT SENECA FALLS 1848 - curriculum
Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020
800-359-0961
An interactive curriculum that leads students into a detailed re-enactment of the women's rights convention that took place in Seneca Falls, New York, in 1848. Forty-eight student parts, teacher's guide, and lesson plans. Grades 7-12.

THE EQUAL RIGHTS AMENDMENT: THE HISTORY AND THE MOVEMENT
Sharon Whitney, Franklin Watts, New York, 1984
A responsible exploration of the dynamic, controversial personalities and organizations on both sides of this constitutional issue. From Abigail Adams and Mercy Otis Warren in the 1700s to the present, the effort to secure women's equal rights under U.S. law has been a long and bitter struggle. The major strategies since the ERA's 1923 introduction in Congress are clearly outlined in this balanced history. Grades 9-Adult, 102 pages, cloth.

FROM PARLOR TO PRISON: FIVE AMERICAN SUFFRAGISTS TALK ABOUT THEIR LIVES
Sherna Berger Gluck, Monthly Review, New York, 1985
Oral histories of five diverse women who became caught up in the tumultuous final decade of the struggle for woman suffrage. The book demonstrates the combination of social and individual circum-stances which transform people from isolated individuals into a political movement. A personal and touching story of one of the greatest political movements in our history. Grades 9-adult, 300 pages, paper.

"ONE WOMAN, ONE VOTE" - video
Educational Film Center, PBS Video, 800-344-3337
Focusing on the highlights of the seventy-two year suffrage movment, beginning with the first women's rights convention in 1848, and climaxing in passage of the Nineteenth Amendment in 1920.
Grades 7-Adult, 2 hours.

THE LADIES OF SENECA FALLS: THE BIRTH OF THE WOMEN'S RIGHTS MOVEMENT
Miriam Gurko, Schocken, New York, 1976
Focusing on the origins, early years and personalities of the woman suffrage movement, this straight-forward and comprehensive history of the movement is essential reading for those interested in what is and is not in our Constitution, and the enormous effort women undertook to pass the Nineteenth Amendment. Portraits of key persons. Grades 9-12, 328 pages, paper.

RIGHTS OF PASSAGE
Joan Hoff Wilson, ed., Indiana University Press, 1986
This book includes a compilation of essays about the Equal Rights Amendment. The essays vary in tone, and they present a composite analysis of why an amendment which seemed to enjoy overwhelming popular support failed. Grades 9-Adult, 140 pages, pape

*** SENECA FALLS 1848: ALL MEN AND WOMEN ARE CREATED EQUAL - play**
Elizabeth C. Shultis, Elizabeth Cady Stanton Foundation, Seneca Falls, NY, 1984
Interesting dramatization of the events, and legal and social conditions leading up to the first Women's Rights Convention in Seneca Falls, New York in 1848. The final act takes place at the convention, with the presentation and debate on the six convention resolutions which marked the beginning of the feminist movement. Written for a cast of 17 plus a group of "convention-goers." Grades 9-Adult, 38 pages, paper.

A TIME OF PROTEST: SUFFRAGISTS CHALLENGE THE REPUBLIC, 1870-1887
Sally Roesch Wagner, Spectrum Press, 1987
The most dramatic period of the early suffrage movement occurred between 1870 and 1887, coinciding with the centennial of the Constitution. Radical suffragists initiated a systematic campaign of direct action and political pressure; they demonstrated, committed civil disobedience, refused to pay taxes, ran a woman for president and petitioned for their rights as citizens. Wagner's style reveals the outrage and commitment of these women; an empowering story of feminism's legacy of non-violent protest. Grades 9-Adult, 134 pages, paper.

WHY THE ERA FAILED
Mary Frances Berry, Indiana University Press, 1986
An excellent examination of how and why the Constitution is amended. Presents a balanced account of the ERA campaign, providing both a legal and historic perspective. Grades 10-Adult, 146 pages, cloth.

*** WOMAN SUFFRAGE MOVEMENT 1834-1920 - Curriculum**
Bonnie Eisenberg, National Women's History Proj., 1984
The unit covers suffrage's roots in the abolitionist movement, through the passage of the Nineteenth Amendment to the U.S. Constitution, to the introduction of the Equal Rights Amendment in Congress. Includes a chronological narrative of the individuals, organizations and campaigns of the suffrage movement. Illustrated with historical photographs, the unit provides language arts lessons, student activities, discussion and research questions and a bibliography for further reading.
Grades 5-12, 30 pages, paper.

*** ILLUSTRATED TIMELINE OF THE WOMAN SUFFRAGE MOVEMENT - poster set**
National Women's History Project
An eight-poster set featuring a timeline and dozens of images of the individuals and events of the woman suffrage movement. Three colors, 11" x 17"
Grades 5-Adult.

*** WOMEN AND THE CONSTITUTION**
- Bulletin Board display Kit
National Women's History Project, 1987
Kit includes: three historic documents printed on parchment, the texts of the Thirteenth, Eighteenth and Nineteenth Amendments and the ERA, and 16 captioned 8 1/2" x 11" photos of both the events and individual women involved in the abolitionist movement, the temperance movement, the woman suffrage movement and the campaign for the ERA.
Grades 8-Adult.

Women and Black Civil Rights

WOMEN AND SISTERS: THE ANTISLAVERY FEMINISTS IN AMERICAN CULTURE
Jean Fagan Yellin, Yale University Press, New Haven, 1989
Yellin examines the White and Black women who, in a society that mandated women's public invisibility, made themselves visible in order to effect social change, for African Americans and for all women. 225 pages, cloth.

BLACK WOMEN ABOLITIONISTS: A STUDY IN ACTIVISM, 1828-1860
Shirley J. Yee, University of Tennessee Press, Knoxville, 1992
In championing both their race and their sex, the lives of female Black abolitionists reflected the complex dynamics of race, sex, and class. Through their writings, speeches, petitions and participation in organizations, they established the pattern of Black female activism that has served as a model for later generations of Black women. 200 pages, paper.

WOMEN IN THE CIVIL RIGHTS MOVEMENT: TRAILBLAZERS AND TORCHBEARERS, 1941-1965
Vicki L. Crawford, Jacqueline Anne Rouse, and Barbara Woods, eds., Carlson Publishing, New York, 1990
Part of a comprehensive, sixteen-volume series on Black Women's History, this book focus on the considerable, although usually behind-the-scenes, involvement of women in the civil rights movement. 290 pages, cloth.

SELMA, LORD, SELMA: GIRLHOOD MEMORIES OF THE CIVIL RIGHTS DAYS
Sheyann Webb and Rachel West Nelson, as told to Frank Sikora, University of Alabama Press, 1980
The moving, dramatic story of two young girls, courageous beyond their years, who for three turbulent months in 1965 were caught up in the tumult of the civil rights demonstrations in Selma, Alabama. Grades 5-12, 160 pages, cloth.

*** WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA**
Paula Giddings, Bantam, New York, 1985
Drawing on Black women's speeches, diaries, letters and other original sources, this book offers a moving description of how Black women transcended the double discrimination of sexism and racism, from the arrival of the first African slaves to the present.
Adult, 408 pages, paper.

Temperance

WOMEN AND TEMPERANCE: A QUEST FOR POWER AND LIBERTY, 1873-1900
Ruth Bordin, Rutgers University Press, 1990
An excellent overview of the WCTU, one of the largest and most compelling 19th-century women's organizations, from its emergence ins 1873 until 1900. 220 pages, paper.

General

BLACK WOMEN IN WHITE AMERICA: A DOCUMENTARY HISTORY
Gerda Lerner, Vintage Books, New York, 1973
An unusual collection of letters, journals and other first-person documents through which the strength, pride and sense of community of Black women in the U.S. clearly emerges. Covers 1800s to the present.
Grades 9-Adult, 630 pages, paper.

BORN FOR LIBERTY: A HISTORY OF WOMEN IN AMERICA
Sara M. Evans, Macmillan, New York, 1989
Explores the diversity of women's experiences and their changing social and political influence. Multicultural in perspective, Evans' analysis redefines the relationship between the private and public spheres of life in America. Grades 9-Adults, 386 pages, paper.

WOMEN IN POLITICS
Sharon Whitney & Thomas Raynor, Franklin Watts, New York, 1986
Skillfully blends a history of women's participation in American political life with valuable information about current women politicians at all levels of government – including Geraldine Ferraro, Elizabeth Dole and Pat Schroeder. The use of first-person interviews adds freshness and immediacy to this general appraisal of the role of women in politics today. Grades 7-12, 143 pages, cloth.

Biographies

CARRIE CHAPMAN CATT: FEMINIST POLITICIAN
Robert Booth Fowler, Northeastern University Press, Boston, 1986
Catt was the last president of the National American Woman Suffrage Association, and is credited by many historians with organizing the work that was ultimately responsible for the passage of the 19th Amendment. Grades 9-Adult. 220 pages, cloth.

ELEANOR ROOSEVELT
Rachel Toor , Chelsea House, New York, 1987
Included are the personal and historical events that shaped the life of Eleanor Roosevelt. Discusses her work as a diplomat, writer, First Lady, and champion of women, minorities and international understanding. Grades 7-12, 116 pages, cloth.

ELIZABETH CADY STANTON
Martha E. Kendall, Highland Publishing, Los Gatos, CA 1987
This personal and detailed biography brings to life the high-spirited and rebellious girl who flaunted conventional standards of "ladylike" behavior. Equally well told is her determined struggle for women's rights. Frederick Douglass, Susan B. Anthony and Lucretia Mott are portrayed as her allies in the abolitionist and women's rights movements. Grades 5-12, 72 pages, cloth.

EQUAL JUSTICE: A BIOGRAPHY OF SANDRA DAY O'CONNOR
Harold and Geraldine Woods, Dillon Press, Minnesota, 1985
Justice O'Connor is followed from her childhood on a ranch in Texas through her current position on the U.S. Supreme Court. Descriptions of the many positions she has held during her legal career are offered, giving young readers a chance to learn more about the field of law. Grades 5-12, 128 pages, cloth.

FIRST WOMEN WHO SPOKE OUT
Nancy Smiler Levinson, Dillon Press, Minnesota, 1985
Before women were allowed to vote, speak in public, attend college or own property, these women were speaking out eloquently for the abolition of slavery and civil rights for women. The book tells of their childhood experiences and their work for justice as adults. Included are: Sarah and Angelina Grimké, Lucretia Mott, Elizabeth Cady Stanton, Lucy Stone, and Sojourner Truth. Grades 6-12, 126 pages, cloth.

FRANCES WILLARD
Ruth Bordin, University of North Carolina Press, Chapel Hill, 1992
Frances Willard, national president of the WCTU for almost twenty years, dedicated her life to organizing women for the causes of temperance and women's rights. This is the first modern book-length biography of this tireless worker for women's rights.
220 pages, cloth.

HER WAY
Mary Ellen Kulkin, editor
American Library Association, 1976
Includes short profiles of 260 women. Each profile is followed by a complete list of recommended biography for further research. Grades 5-12, 448 page, cloth.

IN HER OWN RIGHT: THE LIFE OF ELIZABETH CADY STANTON
Elisabeth Griffith, Oxford University Press, New York, 1984
This is the first comprehensive, fully documented biography of the most important woman suffragist and feminist reformer in 19th-century America. Traces this radical feminist from her privileged, unconventional childhood through her achievements as a reformer, newspaper editor, popular lecturer, organization leader, woman suffrage movement historian, and mother of seven children. Adult, 268 pages, paper.

*** NOTABLE AMERICAN WOMEN**
Edward T. and Janet Wilson James, editors, Harvard University Press, 1971
A remarkable compilation, including the life stories of 1,359 women who influenced their time and society. Written in an informative and lively style, describing the life and work of each woman in the context of her historic period. Grades 9-Adult, 3 vol. 2075 pages, paper.

*** NOTABLE AMERICAN WOMEN: THE MODERN PERIOD**
Barbara Scherman and Carol Hurd Green, editors,
Harvard University Press, 1980
A companion to the three-volume *Notable American Women*, this resource includes the life stories of 442 women who died between 1951 and 1975.
Grades 9-Adult, 773 pages, paper.

PORTIA: THE WORLD OF ABIGAIL ADAMS
Edith B. Gelles, Indiana University Press, Bloomington, 1992
Although she was unschooled and without political rights as a woman, Abigail Adams exerted considerable political influence through her letters and conversations with the nation's leaders. Her life and times are well-depicted here. 220 pages, cloth.

READY FROM WITHIN: SEPTIMA CLARK AND THE CIVIL RIGHTS MOVEMENT
Cynthia Stokes Brown, Wild Trees Press, California, 1987
A first-person narrative of the life and work of a woman who was instrumental with the citizenship schools and voter registration campaigns in the South in the 1940s-60s. Her account gives a startling picture of what it was like to be Black in the South before the many changes brought about by the civil rights movement. Grades 7-12, 134 pages, paper.

SOJOURNER TRUTH: ANTI-SLAVERY ACTIVIST
Peter Krass, Chelsea House, New York, 1988
An ardent fighter and controversial public speaker for the rights of Blacks and women, she earned national prominence as an dramatic orator. Her unusual story is told with many photographs of the individuals and events of her life. Grades 7-Adult, 112 Pages, cloth.

SUSAN B. ANTHONY
Barbara Weisberg, Chelsea House, New York, 1988
The spirit of the early women's movement is captured here with particular emphasis on the effective partnership between Anthony and Elizabeth Cady Stanton. This inspiring biography demonstrates Anthony's contribution to women's struggle for equality, and explores the frustrations, as well as the successes, of the movement. Grades 9-Adult, 112 pages, cloth.

VALIANT FRIEND: THE LIFE OF LUCRETIA MOTT
Margaret Hope Bacon, Walker & Co., New York, 1980
A minister, anti-slavery leader, wife, mother, and grandmother, Mott was the mainstay of the infant feminist cause. She brought Elizabeth Cady Stanton and Abby Kelly Foster into the struggle for women's rights and helped to found and support the first women's medical college. Grades 10-Adult, 265 pages, paper.

** Items marked with an asterisk (*) are available as of 1995 through the Women's History Catalog published semi-annually by the National Women's History Project. For this 48-page catalog of books, curriculum materials, posters and other items, please send $1 to:*
National Women's History Project
7738 Bell Road, Windsor, CA 95492.
707-838-6000.

National Women's History Project

This curriculum unit is one of the many resources developed by the National Women's History Project for use by educators at all grade levels. Our Project exists solely to promote gender equity through public recognition of women's history. We are delighted with the public response to our efforts.

National Women's History Month, celebrated in March of each year, was originated by members of this Project. It has become a regular feature on school, workplace and community calendars throughout the country. It is our goal to eventually have the study of women's history included as a regular part of the K-12 curriculum, so that all our children will grown up knowing about the lives and contributions of women from all walks of life.

The Women's History Catalog we produce annually has grown dramatically since its inception in 1983. The 48-page catalog offers a plethora of books, curriculum units, posters, games, plays, videos, and more, about multicultural women's history – all easily accessible by mail order.

The Women's History Network, coordinated by our office, includes hundreds of individual and institutional participants, working together across the country to write women back into history. A quarterly newsletter keeps Network members abreast of information; directories make each participant accessible to the others.

The NWHP consulting staff conducts in-service training workshops for school districts and state departments of education throughout the country. Our four-day teacher training workshop, held each summer in California, draws educators and community activists from across the nation.

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It is our hope that the services and materials we offer will be a useful resource and support for your efforts to write women back into history.

The National Women's History Project Staff

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